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THE WHIG PARTY, ITS POSITION, AND DUTIES.

At the moment when the XXIXth Congress is about for the first time to assemble, and when the aspect of our public affairs is troubled and portentous, it cannot be misplaced nor ill-timed, that we should devote some space to the consideration of the position and duties, in its present relation to the country, of the Whig Party.

Of that party it is not needful for us to speak in praise. Identified with it in opinions, aims and hopes, eulogy at our hands could hardly claim the merit of impartiality. Moreover, the office we desire to discharge is not that of a flatterer, who will see no faults,

"Altho' they were a huge as high Olympus,"

but of an earnest, faithful friend, whose aim it is rather to serve than to please; and who, as one standing without the immediate vortex of the great political whirlpool, is in a condition to discern more accurately than those within its eddying sweep, the drift and tendency of the struggling elements.

The result of the Presidential election, so contrary to the expectations and so disastrous to the hopes of the Whig party, seemed for a time to stun and overwhelm them. The candidates they had put forth were so eminent in talents and in public service—the issues upon which they went into the contest addressed themselves so strongly to the party.

interests and intelligence of the country, and there was such apparent want of unity and cohesion among their opponents—that success appeared all but inevitable.

The rally, the discipline, and the unscrupulous arts of party, overthrew all these well-founded hopes, and placed in the highest seats of the government, two individuals, whom not one in ten of those who voted for them, if they had been acting on a question where their own individual interests were chiefly concerned, would have hesitated to postpone to their unsuccessful competitors.

The battle was fought and lost; and now in a minority, so far as official returns may be relied on, in the nation—in a minority in both houses of Congress—in a minority in the Legislatures of the States—and without a representative in any prominent official station under the Federal Government—the Whig party has, in the country, none other than a MORAL POWER.

That, however, is a great power—and, as it is wielded, will be more or less felt for good or for evil.

Among the great public issues of the recent contest, the Annexation of Texas, and the Tariff of '42, were most prominent; and, paradoxical as it may sound, both these were affirmed—although the one was supported, and the other was seemingly opposed, by the successful

Annexation—unless frustrated by the failure of Texas herself to comply with the conditions presented by our government, and the objections that may yet be raised on the ground of the inadmissibility into our confederation of the constitution she may adopt—is now practically accomplished. The forms indeed in which it was invited, were in derogation of the Constitution—setting at nought both its letter and its spirit; but with the plastic alacrity of popular sentiment in this country in adapting itself to the *status quo*, opinion is already reconciled to, or acquiescent in, an outrage at once irrevocable and remediless, unless through the contingencies intimated, the possible results from which we shall presently consider. The body of the nation, little understanding, at present, the exact condition of things, is bent upon improving its new possession.

The Tariff of '42—including as it does in its provisions the principle of Protection—must also be said to have triumphed with Mr. Polk, whose ambiguous letter, during the canvass, to Mr. Kane of Pennsylvania, alone enabled him to carry that State and thereby to secure his election. But the struggle for its preservation is yet to come; for, now, firmly seated in the Presidential chair, Mr. Polk has gone back to his original anti-Tariff doctrines, and is to use all the influence of an office obtained under false pretences, to overthrow that principle of which he was claimed as the fast friend.

Other very grave and important questions, of newer and fresher gloss than either Texas or the Tariff—and upon which the sentiment of the country is as yet unascertained, or at least has never been authentically pronounced—and upon the wise and final solution of which, the action of the Whig party must be very influential—will occupy the attention of the nation. We refer to OREGON, and to the claim—recently for the first time distinctly shadowed forth, in a speech in the Chamber of Deputies by M. GUIZOT, the prime minister of France—of a European right to interpose in the affairs of this Continent, in order to the maintenance of some fanciful balance of power among the nations to which it belongs.

Over and above these large and general questions, there remains for the consideration and action of the Whig party those conservative principles, greatly menaced in the actual condition of the country, which may be characterized as distinctive

of that party. We refer especially to its steady and habitual submission to law—its deference for vested rights—and abhorrence of all violent and disorderly attempts to alter or overthrow existing institutions. We propose to examine somewhat at length the obligations in regard to all these topics, imposed upon the Whig party by the circumstances in which they find themselves.

Annexation is in one sense an accomplished fact. Yet there is still to be a recurrence to Congress before the question is finally disposed of; and this will, to a certain extent, re-open the whole subject for discussion. We use the expression “to a certain extent,” deliberately—for on some points we hold that the action of Congress cannot be reviewed nor called in question. In so far as the pledge has been given, that, upon acquiescence in the conditions prescribed, Texas should be admitted into the Union, this nation is irrevocably bound, nor is it now competent for any one to inquire into the circumstances under which this pledge was given. In all the forms and guarantees of national action on our part, the resolution of Annexation was adopted. In reliance upon it, Texas has acted, and—dissolving her own nationality and relinquishing her existence as a separate and independent State—has consented to become one of the States of this Union. However, therefore, the mode in which this resolution was adopted be open to censure—and however questionable the right, as questionable it undoubtedly is, either of the Executive or Legislative Department of the Federal Government to invite and admit a foreign independent State into this limited partnership of States—the invitation having been given and accepted, cannot be recalled.

But it is the right, and it will, in our judgment, be the duty of the Whigs in Congress to look narrowly to the conditions prescribed; for thereon hangs all the obligation on our side.

One point of special interest is the nature and spirit of the constitution adopted by Texas. It is not enough that it should be republican in form, if it be not so in essence; and most assuredly the provision which it contains respecting the institution of slavery must appear to every reasoning, liberal and patriotic person, whether in the North or the South, whether possessing slaves or having no interest in such property, open to the most insurmountable objections. We

will try to put this point briefly in a clear light. A clause of an Article in the Constitution of Texas (See Art. viii., Sec. 1) holds this language. "The Legislature shall have no power to pass laws for the emancipation of slaves, without the consent of their owners; nor without paying their owners, previous to such emancipation, a full equivalent in money," &c.

Now, let every lover of his own State and of our Confederacy—in whatever section of the Union—fairly consider what is implied in those words marked in italics. They embrace a position and a law, such as should belong to no State in the Union, and such as no State, nor any part of the citizens of any State, could now be persuaded to assume. It will be perceived that, by the construction of the language, the law contained in the clause stands absolute, entirely unconnected with any modification by contingent or supposed conditions (of compensation, general consent, or otherwise,) but nakedly setting forth, that under no possible change of circumstances shall the State dissolve an institution unquestionably subject to constant and unforeseen changes, but shall allow any possible fraction of its original supporters, one-fifteenth, or one-twentieth, (the rest assenting to its dissolution,) to maintain it still in existence—if so determined—and that even though they might be offered a reasonable compensation for the loss of property therein. Now the institution of slavery has been secured to each State of this Confederacy, as long as such State shall choose to continue it, by the most solemn guaranties of the Federal Constitution; and no one has any right to urge its abolition, except through the action of each State by itself. It will also be remembered that, by the Missouri Compromise, the contingency was deliberately provided for of new Slave-holding States arise to within certain prescribed limits—lines of latitude and longitude considerably traced out—within which the same institution should be indefinitely recognized and upheld. But most assuredly the idea would have been scouted then in connection with this Compromise, as it would now by any State in the Union, that it, or any State yet to arise should, in the most solemn constitutional forms, bind itself never to allow the Legislature to act even upon the expediency of abolishing either this or *any other* social institution or condition of things, so con-

fessedly open to modifications by time and circumstance. It would be considered, as it is, an unwarranted and most dangerous introduction into our Republic, of an entirely new and unrepromised feature. This, then, may undoubtedly furnish occasion, unless Texas remove the clause from her constitution, of re-opening the question to the consideration of Congress. And it is not a point for party discussion. Not only the Whigs will be called upon to consider it, but all of the opposing party, possessing any knowledge whatever of the nature of our confederation, cannot fail to speak strongly upon it. We only hope that, in the discussion to which this provision of the Constitution of Texas may give rise, there will be no angry or unkind feelings of either a party or sectional nature.

Another topic that will provoke no little discussion will be that of the public debt of Texas. The resolution of Annexation expressly stipulates against its assumption by the United States; yet there is a prevailing sentiment, that the new State must not come in with the stigma of repudiation; and, inasmuch as Texas cannot out of her public lands, the only property she reserves, provide the means of discharging the debt, or even of paying the interest upon it with punctuality, it has been suggested, that these lands should be ceded by her in fee to the United States for a sum that will suffice to extinguish the debt. This is a suggestion by no means free from difficulties. Not the least of these is the uncertainty of, and the apparent impossibility of ascertaining the amount of, that debt—so great seems to have been the carelessness of the accounting and recording officers of the Texas Treasury.

Another and perhaps more formidable objection will arise from the very general persuasion that the calculation upon such a provision for the debt of Texas entered largely into the schemings and intrigues which prompted and mainly accomplished annexation. This will be a strong ground of opposition to any arrangement, in any shape, by which the United States shall be made instrumental in redeeming this debt.

The feeling, too, which at the close of our revolutionary war was so strongly appealed to against discharging at par, or dollar for dollar, a debt of which the evidences had been so much depreciated as to pass for not more than one-fourth or

one-fifth of the value on the face of them, will not fail to mingle in this question.

It is to this day made a party reproach against ALEXANDER HAMILTON, that he devised and carried through the funding system, whereby ample and honorable provision was made for the debt contracted in the struggle for independence, and which was strictly the price of freedom; but which, owing to the pressure of war while it lasted, and after its close, of the poverty and almost anarchy of the confederation, had run down so low as hardly to retain any value in exchange. To have opposed or supported *Hamilton's* funding system is still occasionally used as a distinguishing test between parties, and the name of republican, or, in more modern phraseology, of democratic, is expressly claimed for the party which resisted that honest measure, and resisted it on the double ground—first, that by funding the debt, a favored class of citizens were raised up, interested in sustaining the government, however administered; because upon that government they were dependent for the payment of their stocks—and secondly, that in redeeming at par a debt which had passed at merely nominal rates from its original holders, from those who had rendered the service into the hands of grasping cormorants, not those who, in reality, had made sacrifices for, and shown their confidence in the cause, were benefited, but those who speculated upon the necessities of the well-deserving patriots, and who, or some of whom, by withholding supplies exaggerating difficulties, and propagating doubts and fears, had been enabled eventually to buy up, for the merest trifle, the certificates of debt.

It will now be seen whether those who claim to be the representatives, at this day, of the anti-Federal party of our earlier annals, will maintain the same line of argument in respect to the debt of Texas; a debt recommended by no such sacred associations and patriotic appeals as that of our revolution, and which, not less than that, has passed almost entirely from the hands of its original holders, into those of mere speculators. From past indications there is little reason to doubt that, in this particular, as in so many others, there will be found a very decided contradiction between the practice of the democracy, and the principles it professes; and that we shall see those who, wearying the popular ear with declarations that they are the true disciples of the original

Republican party, will now be foremost—not directly, but by circumlocution and expedients meant to deceive—virtually to assume the debts of a foreign State incurred under circumstances similar to, but certainly not more sacred than, that of their own country, which yet, their great prototypes not only refused to provide for, but stigmatized the honest patriots who did so, as a corrupt stock-jobbing aristocracy.

There is, too, a general impression, which we merely refer to, without any intention of analyzing its justness—that, among the speculators in Texas securities, are included many, who in official stations contributed to annexation, and who were moved thereto at least as much by the hope of personal advantage, as by patriotic solicitude. Of this impression, we repeat, it is not our purpose to examine the justness, but its existence is as general and unquestionable, as it will obviously be adverse to the success of any project of a redemption of these securities through the means or credit of the United States.

From these various considerations it will be readily perceived that, whatever the abstract view of many leading men and presses may be, there are strong, practical and well-grounded reasons for resisting any project of making this country responsible for the debt of Texas. Moreover, some of the States of the Confederacy are suffering the dishonor of repudiation; why not, it will be asked, first go to their assistance? Give them the value of their share of the public lands we already possess, before we add to our untold millions of unproductive acres, many millions more to be paid for out of the present resources of the Union. This seems reasonable, and possibly there may result from these conflicting interests and opinions a compromise which shall substantially satisfy all parties.

For the virtual assumption of the debt of Texas, in spite of the positive disclaimer of the resolution of Annexation, will be most warmly pressed by that party, which has most strenuously resisted every proposition at home, to appropriate the proceeds of the sales of the public lands to the respective states. Is this not an occasion then, when the Whigs may say to their opponents, We will meet you half way. Do for the States now composing the Union what you propose in respect of the new State about to be admitted to it and we will co-

operate with you throughout. Engraft on your bill for buying the lands of Texas at a price which will extinguish her debt, the substance of Mr. Clay's bill, and we are ready to vote with you. Less than this the Whig party should not ask, and without such a provision, or some one analogous to it, they will hesitate very long about consenting to pay the debt of a foreign State, while leaving those of several of our own States wholly uncared for.

Questions will arise concerning the boundaries of Texas. These properly belong to the treaty-making power. It appears, nevertheless, that the President has, of his own mere notion and authority, undertaken, to declare, and to seize upon, the Rio del Norte, as the western boundary of Texas. If this be so, and it shall stand, the Senate, as part of the treaty-making power, is, for the second time in this matter, to be ousted of its exclusive prerogative, and Congress must determine whether or not they will sustain the Executive decision, and stand by all the consequences.

If the claim, asserted on our behalf by an army with banners, to the left bank of the Rio del Norte, on the sea-board, is to be extended upward along the course of that river to its source, a large part of what has been hitherto known and acknowledged as New Mexico, including the city of *Santa Fé*, will, under the name of Texas, be transferred to our dominion. However desirable such an acquisition of territory may seem, and so distinct a boundary as this great river, it will not comport with the scrupulous regard for the faith of treaties, nor with the respect for the rights of others, which distinguish the Whig party, to lend their sanction to the armed occupation and seizure thereof.

Perhaps, too, the discussion of this point may present as favorable an opportunity as is likely to occur to call public attention to, and invoke an authoritative decision upon, the true construction to be given to that clause of our Constitution which declares the Senate coördinate with the President in making treaties.

The language of the clause runs thus (Art. II., Sec. 2, Part 2):

"He [the President,] shall have power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senate present, concur," &c. &c.

It has been contended in high quar-

ters that in the practical working of the conjoint or coördinate power of the Executive and the Senate, the tendency to Executive encroachment has been constant, though insidious, and that the history of our government for several years, presents an unbroken series of such encroachments. It has been argued, that the relation in which the President stands to the Senate, when acting under the treaty-making power, is essentially different from the other relations prescribed by the Constitution. He has Executive duties to discharge in which the Legislature have no participation—duties, which ordinarily commence when theirs have terminated. Information in his possession, relating to that branch of his public duties, it is his right to communicate to, or withhold from Congress, as in his opinion may best subserve the public interest. By the Constitution, also, the exclusive right of nomination to office is given to him, and the Senate are called on only to approve or disapprove. There, too, he acts distinct from the Senate, and possesses a discretion, though perhaps more limited, than with regard to the communication of information. But with the subject of treaties, the case is evidently different. They are to be *made*, by and with the consent of the Senate. Upon that subject, every step, preliminary as well as final, ought, in the spirit of the Constitution, to be submitted to the Senate.

Such, we repeat, is the interpretation given, not very long ago, by very high authority to this provision of the Constitution, and the contrary practice of conceding to the Executive the preliminary steps in a negotiation, is accounted for on the score of convenience, and by no means as establishing a right.

It is not a light confirmation of this view of the true meaning and spirit of this Constitutional provision, that the first and greatest President of the United States, GEORGE WASHINGTON, before commencing any new negotiation, laid before the Senate the views of the Executive, the instructions proposed to be given to ministers, and all the information in his possession, and then asked the benefit of their counsel.

In this singular regard to the coördinate rights of the Senate, it is believed that no succeeding President has followed the great example; but if this be the right construction, the case is not likely soon to occur, when more advantageously than now,

it can be re-affirmed and established. For, according to all present appearances and information, the President, antecedent to negotiation, has decided the issue of that concerning which negotiation was to be had; and when diplomatic intercourse with Mexico shall be restored, and the President shall have occasion to ask the consent of the Senate, either to the appointment of ministers to Mexico or to any treaty that may be framed with that country, he will have forestalled both their judgment and action by a sweep of the Executive sword.

This surely must be deemed an "encroachment," even by those who may not dislike the result thus attained, and therefore, we say again, an opportunity is presented under very favorable circumstances, of reviewing and revising, if so it shall be deemed wise, the practice under this provision of the Constitution.

Some subordinate questions connected with Annexation will occasion discussion. Among these is the pretension that officers of the army and navy of Texas shall be transferred with like rank to our service. This seems a claim at once so impudent and so preposterous, that we do not know that it will be seriously urged. If it should be, it will, it is quite safe to assume, be summarily rejected.

At a time when hundreds of our own highly educated and accomplished young army officers, who have not thought it necessary to qualify themselves for true allegiance and conscientious and intelligent service to their own country, by taking up arms in another land and in a quarrel not their own, are eagerly waiting their time to exchange their brevets for commissions—and when, in the naval service, midshipmen are growing gray for lack of promotion, and when no degree of past service or present merit can advance an officer a single grade, and when, notwithstanding such discouragements, the applications for warrants are counted by hundreds, not to say thousands, for every vacancy,—at such a time to propose to incorporate with our military and naval corps, composed of picked men—educated, intelligent, moral, modest and brave—a promiscuous band of soldiers of fortune, who, looking upon war as a trade, and indifferent in what cause, or in what service, or with or against whom it is waged, so only that the trade flourishes, and its wages are to be duly paid—to poison our gallant and patriotic service with an admixture, on any footing, of such ingredients, were a crime alike against

Honor, Justice and Courtesy. With such a crime, the Whig party can, under no circumstances, have any participation.

It is, however, plain, from the considerations thus hastily enumerated, that although to a certain extent accomplished and irrevocable, Annexation yet presents many questions that will seriously occupy Congress, and that will appeal to the Whigs in particular for their most considerate attention and fearless judgment.

The next great issue of the Presidential election, which, it is now insisted, was determined against the Whigs, is the TARIFF. We hold still, as during the contest we held, and without abating one jot, that Protection—direct Protection—is a legitimate object of legislation; and the merit of the existing Tariff in our eyes is, that it is *directly*, and not merely *incidentally* Protective. Others may hold a more qualified doctrine on this head; but, deriving ours, both from the justice and necessity of the case, and from the explicit avowal of those who framed the Constitution, and of those who sat in the first Congress under it, that it was designed and desired to lay duties for the encouragement and protection of domestic manufactures, we shall not, even on the ground of expediency, take up with the equivocal phraseology of the day about a tariff for revenue with incidental protection.

According, however, to the manifestations of the party papers, except in Pennsylvania, even incidental protection is now to be denounced and renounced, and the favorite theorem of the ultra free-trader is to be adopted, that revenue, and revenue only, is the legitimate object of a tariff, and that, if there be any discrimination, it should be *against*, and not in favor of, articles produced or manufactured at home.

While writing these remarks there are indications that Pennsylvania—whose interests in coal and iron made and keep her a Tariff State, and who voted for Mr. Polk upon assurances; who was credulous enough to believe that he was a tariff man—is becoming alarmed at the signs of the times; and meetings are in progress, affirming that the undivided voice of the State is against any interference with, or disturbance of, the existing tariff.

To these manifestations, it may be found politic to yield; and if so, it will be easy enough, on the score of the increased expenditure rendered necessary by the military and naval movements in Texas and the Gulf of Mexico—and by

the preparations that cannot longer be postponed with safety for eventual, and not very distant, war—to hold on yet a little while longer to a system which, with all its alleged injustice to consumers, fills the national coffers, while stimulating all branches of home industry.

Who, indeed, but a forty-bale theorist, can look around the country and fail to see, that all is well—that labor meets with ready employment and remunerating wages—that agriculture, pursued with the skill and the diligence which alone command success in other pursuits, is flourishing—that the mechanical arts and manufacturing industry are prosperous—and that commerce, the nursery of the navy—the improver, the civilizer and refiner of nations—is abroad on every sea, and only asks at the hands of government, permanency in all legislation which is to affect it? To the eye of common sense, and of comprehensive patriotism, all is well in these various pursuits—yet the abstractions of theorists, always the most obstinate and impracticable of men, and the ignorant clamors of ward-meetings appealing to a fancied shibboleth of party, are aiming to disturb this general prosperity, and to substitute therefor a system, which, abandoning the care of our own labor, and preferring, by deliberate avowal, the workshops of Manchester to those of Lowell, would open our ports to the unchecked competition of a world which shuts its ports against competition from the products of our skill and industry.

There can be no error in assuming, that the Whigs in united phalanx from north to south will be found in opposition to experimental philosophy such as this, and will resist to the utmost every effort to break down the legislation which scatters blessings and abundance through the land.

The subject of *Oregon*, though here introduced after others, is in truth likely to be that one which will take precedence of all others, if treated as now there seems reason to suppose it will be, by the Administration.

Into the history of this question, and of our claim to the territory known by the name of Oregon—extending westward from the Rocky Mountains to the Pacific, and from the 42d degree of north latitude to $54^{\circ} 40'$; comprehending an area of nearly 400,000 square miles—it is not now our design, nor within the limits prescribed in this paper would it be possible, to enter. It is sufficient for our present pur-

pose to say that, although our title to the whole of that region is certainly as good as that of any other nation, and probably better, we have ourselves, on repeated occasions, virtually admitted that it was not so complete and unquestionable, as to preclude all other claims to any portion of it.

In 1818, in 1824, and in 1826, we offered to settle the disputed title to this region between us and Great Britain, by prolonging beyond the Rocky Mountains and to the Pacific Ocean, the line which divides our possessions on the hither side of those mountains, the 49th parallel of north latitude. For reasons of her own, Great Britain on each of these occasions declined the proposed arrangement, and for thirty years the territory has been open to settlement and joint occupation by the citizens of both nations, without prejudice to, or preference of, the rights of either. These reminiscences seem abundantly to prove that we ourselves have heretofore been willing to negotiate for the quiet and undisturbed possession of that to which, nevertheless, the President in his inaugural message, declares we have a full and undoubted title.

What, then, has occurred to change the relation of the country to this question, or to render it a duty of patriotism to insist upon immediate and entire occupation of the whole territory? We are at a loss to answer this interrogatory satisfactorily.

It is, indeed, sometimes assumed that among the issues determined by the Presidential election was that of Oregon; and that it is only in conformity with the popular behest, that the President has adopted such a positive tone.

In confirmation of this view, we are referred to the resolutions adopted at Baltimore by the Convention which nominated Mr. Polk, and which, it is contended, were received and acted upon, as the articles of the Democratic creed. But this argument, if it proves anything, proves too much; for if the resolution put forth by that Convention respecting Oregon, is to be considered as having, by the result of the Presidential election, been adopted and ratified by the people, then is negotiation of any sort in relation to this subject forbidden and foreclosed.

That resolution is in these words:

“ *Resolved*, That our title to the whole of the territory of Oregon is clear and unquestionable—that no portion of the same ought to be ceded to England, or any other power, and that the re-occupa-

tion of Oregon and the re-annexation of Texas, at the earliest practicable period, are great American measures, which the Convention recommend to the cordial support of the democracy of the Union."

In his first message, President Polk adopted verbatim and repeated the first paragraph of this resolution, and for so doing he is vindicated, on the ground that the fact of his election upon the doctrines put forth at Baltimore, is to be taken as conclusive evidence that they expressed the popular will. But if so, why did the message stop short with the first paragraph, and why is not the second as obligatory, according to this logic, as the first? If the people of the United States meant to be understood, in electing Mr. Polk, as declaring that "our title to the whole of the territory of Oregon is clear and unquestionable," they must be considered as in like manner declaring "that no portion of the same ought to be ceded to England." But the message made no such declaration. So far, indeed, is Mr. Polk from entertaining any such view, that he has actually entered into negotiation with Great Britain concerning the very territory, which he could not have done if he considered himself bound in no event "to cede any portion of it to Great Britain."

It is therefore illogical, upon the premises relied on, to contend that the President is only carrying out the popular will as indicated by this resolution.

But were it otherwise, and that it could be made out satisfactorily that in all points the resolutions of a party meeting were suffered by the President of the United States to control his official views and conduct, in respect of great national interests—interests involving the honor, happiness and peace of the whole country, possibly those of the civilized world—would the case be in any wise better for him?

The President, when he takes his seat, makes solemn appeal to Heaven, that he "will faithfully execute the office of President of the United States, and will to the best of his ability, preserve, protect and defend the Constitution of the United States."

It is nowhere said that he shall be the President of a party, and it is nowhere written in the Constitution, which is to be the guide, the measure, and the rule of his conduct, that the President must, or should, or honestly can, shape his course by the lights of conventions unknown to that Constitution. It is therefore a wrong

alike to the theory of our institutions, to the sworn fidelity of the President, and to the high and solemn responsibilities of his office, to assume, or to assert, that in shaping the foreign policy of the nation, or in any other great national manifestation, the Executive head of this Republic acknowledges any other obligation, any other allegiance, than to the whole people of the United States, and to the Constitution, which is their common defense and law.

For this government is one of compact and mutual agreement, where all, numerically, at least, have equal rights and an equal interest; and it is not a device whereby a party majority shall have the right to dispose at pleasure of the interest and happiness of others.

Party, indeed, under institutions like ours, will ever mingle, and, within reasonable limits, may without danger mingle, in the contests for the possession of power, and of the fruits of power after it is acquired; but beyond that, it can never rightfully go. More especially in our relations with foreign nations and in the suggestion or adoption of our foreign policy, is it plainly manifest that Party should always be contemned as an unwise and unworthy counselor.

It is the great blot in the career of Mr. Van Buren, that when Secretary of State of the United States, he degraded the country in whose name he spoke, by disavowing the acts of the Administration to which that whereof he formed part succeeded—and sought favor from a foreign government by representing as unfounded pretensions which the then President hastened to recall—the honest assertion by his predecessors, of claims, which were only distasteful to that foreign government, because they were as clear as they were honest.

The overwhelming and disastrous popularity of General Jackson covered up and glossed over this enormity, as it did so many others; but in the future annals of the country, it will be recorded to the lasting discredit of Mr. Van Buren, that he, for the first time in our diplomatic intercourse with another nation, introduced and sought to make party capital out of our domestic differences.

In the actual posture of the Oregon question, therefore, it is, above all things, desirable that party should not be permitted to determine the issue, and that all mere appeals to partisans as such should be discouraged.

There is need of the considerate wis-

dom and patriotism of all to give to this question a proper direction, and to insure to it a satisfactory solution.

It cannot, we would fain hope, be wrong to assume that the nation does not seek to do injustice—nor prefer the ways of violence, to those of moderation—nor wish for war, while war can be honorably avoided.

Upon this hypothesis the anxiety which undeniably now agitates the public mind respecting Oregon, can only arise from distrust of the administration. We confess ourselves to share in this distrust, and yet the course for us is so plain and smooth for escaping all difficulties on the subject, by persevering in what Mr. Calhoun so justly characterized as “a wise and masterly inactivity,” that we cannot comprehend, on any sound principles of reasoning, why the country should be urged to deviate from it.

We do not want the territory merely as territory; and if we did, it would be no more accessible to us, nor as far as can be discerned, any more tempting for settlers, than now it is. For many years after the renewal in 1828 of the convention for the joint occupation of that territory by the citizens of both countries without prejudice to the rights of either, there was no attempt at, or tendency to, emigration and permanent settlement there from the United States. The first colony for settlement that went forth was in 1834. It consisted of a band of Methodists, under their ministers, and they established themselves in the valley of the Willamette river, where a few retired servants of the Hudson Bay Company, (British) were previously residing. Next in order, according to Greenough, colonies of Presbyterians or Congregationalists were planted in the Walla Walla and Spokane countries. In 1839, a printing press was set up in Walla Walla, on which were struck off the first sheets ever printed on the Pacific side of America north of Mexico. The Jesuits from St. Louis soon after sent out missionaries to that region to convert and instruct the Indians; but, according to the usage of that order, they made no settlement.

Since that period, emigration to Oregon has received a great impulse, and now there are some thousand American settlers in its different valleys, outnumbering, in the proportion probably of six to one, the English and all other European colonists.

In this one fact, if duly weighed, is to be found an argument conclusive, it would

seem, against any change in a policy respecting that region, which is working so well, and by natural causes is tending to bring about, without shock or violence, but peacefully and surely, that result, which some among us seem so intensely to covet, as to be willing to rush into war for its attainment.

A new element, moreover, has recently entered into the speculations and calculations concerning Oregon—the possibility that, while the United States and Great Britain are debating to whom it shall belong, the actual occupants of the country may claim it for themselves, and seek to establish there a great Pacific Republic—bone of our bone and flesh of our flesh, and yet not identified with us. In such a contingency, who is there prepared to say that it would not be for the best that the controversy should be thus resolved?

Is there not much to excite and soothe the patriotic mind, in the idea of a new Republic—planted by our hands on the opposite side of the continent, bound to us by descent, by language, by similarity of institutions, by multiplying interests of mutual intercourse—growing up to greatness under the shadow of our Eagle's wings—and ready, when need shall come, to unite its arms with ours, in defence of the institutions, the principles and liberties, alike dear, and alike common to both; and especially for the assertion of that great American principle which shall forbid the intervention of European nations in American affairs?

We do not say that the people of Oregon would be more likely to prefer being a Republic by themselves to becoming a part of this Union. But we do say, it would be altogether wiser and more liberal, to let that people determine this matter for themselves. It is more honorable for all concerned—but especially for ourselves. There would be, in such a solution of the question—and this is a point of view which we gladly entertain—a triumphant refutation of the charge which, not England only, but France, and, indeed, Europe, seem disposed to bring against us, of seeking unlimited territorial aggrandizement. If it shall appear that, with claims so strong to Oregon as we think those of this country, it shall yet acquiesce in, and not only acquiesce in, but encourage, promote and protect, the formation there of an independent nation, bound to us by none other than moral and natural ties, there can be none to gainsay the disinterestedness of the act.

Whether during the sitting of Con-

gress this inchoate project of the inhabitants of the valleys of the Columbia river to assert their right to self-government and independence, will be sufficiently matured to be made a matter of serious deliberation, it is impossible now to conjecture. Meantime, the appearances are, that the party which professes the greatest respect for the doctrine of the right of self-government, will be found discouraging, if not resisting, the exercise of that right, in its full extent, by the *ultra-montane* Americans, and that it will be desired rather to hold them as colonists, whose fate must ultimately be united with ours under one and the same government, than to assist or encourage them in asserting their own separate nationality and entire independence.

In every aspect, therefore, which this subject may assume, it will appeal strongly to the feelings, the principles, the sound judgment, the wise forecast, and the unshaking firmness of the Whig party.

In throwing out the reflections we here present, we design them as suggestions merely—not counsels—for the occurrences of the next hour may overthrow, in an instant, all present combinations in calculation.

One point only may, we think, be stated as incontrovertible, and upon that point we trust the Whigs will be found united to a man—and that is, that war for Oregon, unless an attempt be made to wrest it forcibly from our possession, is an absurdity at once and a crime.

There still remains one great question for examination which has not fallen within the domain of ordinary politics or of merely local or domestic interests, and presents many new and complicated features. It is that of the independence of the American Continent from the control, political or physical, of European nations.

It is now almost a quarter of a century since this idea was first formally enunciated on this side of the Atlantic, and then it seemed to speak the general sentiment of the country. Circumstances connected with the emancipation of the Spanish American colonies from the dominion of the mother country, and with the long, and for a time uncertain, struggle which some of them were called upon to maintain, led to an apprehension in this country that, under the plea of putting a stop to the waste of human life, and to the bloody and remorseless warfare which characterizes in a special manner civil contests among the Spanish race, some of

the leading European governments might offer their aid to Spain for the purpose of pacifying or reducing her revolted colonies. Such an interposition in the affairs of this hemisphere, could not be regarded with indifference by the government of the United States—the great power of this Continent, with all its sympathies naturally enlisted in behalf of a neighboring people struggling for their freedom—this government had nevertheless studiously maintained its neutrality between Spain and her revolted colonies. Having thus evinced its own self-denial and its scrupulous respect for the principle, that to each people it belongs to decide upon and adopt the form of government best suited to it, and that no foreign nation can rightfully control by arms such free choice and decision, the American government was manifestly in a position to say authoritatively to Europe, that the principle of non-intervention, so faithfully, and under such trying circumstances, observed by it, must not be departed from nor violated by other governments, especially by those removed by position out of the American system. Utterance was accordingly given to this sentiment by the then President, *Mr. Monroe*, in his seventh annual message to Congress, in this passage :

“ Of events in that quarter of the globe with which we have had so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced, that we resist injuries or make preparations for our defence. With the movements in this hemisphere, we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted.

“ We owe it therefore to candor, and to the amicable relations existing between the

United States and those powers, to declare, that we should consider any attempt on their part to extend any portion of their system to this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered, and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principle acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States.

"In the war between those new governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur, which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security."

In a subsequent part of the same message the President, after referring to the then recent armed interposition by the Allied Powers, "on a principle satisfactory to themselves," in the internal concerns of Spain, contrasts therewith the policy of the United States in regard to Europe, and distinctly intimates that we should require a like policy towards this continent from Europe. This is the explicit language used :

"Our policy in regard to Europe, which we adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same—which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a firm, frank and manly policy; meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference."

The nation seemed generally to adopt

these truly American sentiments—appealing as they did, and do, to a feeling of comprehensive nationality, founded on position or similarity of political features, and identity of political aims. As a matter of fact, in South, as in North, America, the new nations were all of European origin; had been planted as colonies, oppressed as colonies, as colonies had rebelled; and through much carnage and suffering had turned rebellion into successful revolution. Everywhere the rights of human nature, and the capacity of men for self-government, were asserted, and made the basis of the new forms of government; and hence there arose a common American interest to oppose any and every attempt, on the part of European powers, other than Spain, to reduce or revolutionize the country.

Fortified by the concurrence of public opinion, at the next session, in December, 1824, President *Monroe*, in the last annual message he delivered, thus returned to the subject :

"The disturbances which have appeared in certain portions of that vast territory have proceeded from internal causes, which had their origin in their former government, and have not yet been thoroughly removed. It is manifest that these causes are daily losing their effect, and that these new states are settling down under governments elective and representative in every branch, similar to our own. In this course we ardently wish them to persevere, under a firm conviction that it will promote their happiness. In this, their career, however, we have not interfered, believing that every people have a right to institute for themselves the government which, in their judgment, may suit them best. Our example is before them, of the good effect of which, being our neighbors, they are competent judges, and to their judgment we leave it, *in the expectation that other powers will pursue the same policy*. The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own governments, has been declared, and is known to the world. Separated as we are from Europe by the great Atlantic Ocean, we can have no concern in the wars of European governments, nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibrations, cannot affect us. It is the interest of the United States to preserve the most friendly

relations with every power, and on conditions fair, equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them."

It is apparent, from the language here used, that the feeling of an American system—as distinct from, and independent of, the European system—had made progress; and that, as this hemisphere interposed, neither by counsels nor by arms, in the arrangements of the allied European powers, it had a right to expect, and meant to require, that Europe should be, in like manner, abstinent in respect of America.

From the concluding paragraph, moreover, it is obvious that the views expressed in the preceding message had been made the subject of diplomatic communication to some of the friendly powers of Europe, and been, apparently, acquiesced in by them.

It was not from any sudden or inconsiderate impulse that the government of the United States assumed this attitude; nor without ample evidence that some such European interposition as Mr. Monroe, in his message, foreshadowed and reproved, had been contemplated.

As early as 1818, the American government had invited that of Great Britain to coöperate with it, in acknowledging the independence of Buenos Ayres—the only one of the Spanish-American states which at that time had succeeded in entirely expelling the Spanish forces from its soil. It did not comport with the policy of Great Britain to unite in this measure; but the fact, that it was mediated, and indeed determined on, by the United States, exercised an important influence on the deliberations of the congress of Aix-la-Chapelle, held in October, 1818.

The purpose of the United States to acknowledge, as governments *de facto*, such of the new South American states as should succeed in driving out and keeping out the Spanish forces, did, there is reason to believe, disconcert projects which were entertained at that

congress, of engaging the European alliance in actual operations against the South Americans; as it is well known that a plan for their joint mediation between Spain and her colonies, for restoring them to her authority, was actually matured, and finally failed at that place, only by the refusal of Great Britain to accede to the condition of employing *force*, eventually, against the South Americans, for its accomplishment.

Desirous of so shaping the policy of this government both towards the new nations springing up on this continent, and towards Spain, with which our relations were those of friendship, as to avoid just cause of offence to either, the President, early in March, 1822, in an explicit declaration to Congress, expressed the opinion that "the time had arrived when, in strict conformity to the law of nations, and in the fulfilment of the duties of equal and impartial justice to all parties, the acknowledgment of the independence declared by the Spanish American colonies could no longer be withheld." Congress, prepared by information communicated in answer to its calls, acted on this declaration, and, in May of the same year, appropriated funds for such missions to the independent American nations as the President should determine to institute.

In this actual recognition of those nations, this government took precedence of all others; and it was a necessary complement of the just policy then proclaimed, that in the following year the President should distinctly make known to Europe and the world, that the nations thus recognized by us as independent, and the continent which we and they inhabit, were no longer to be looked upon as subject to European colonization.

It has been already stated, that the people of the United States adhered to and approved the ground thus taken by the Executive, and that the European powers to whom it was explained apparently acquiesced in it and its moral effects.

The influence, at the time, of this high and manly course, and its moral effect, upon the counsels of allied Europe, and upon the destinies of the new States of America, cannot probably be exaggerated.

If it have lost much of its weight and consideration, as it would seem to have done from the speech of the French premier, *M. Guizot*, about a balance of power on this continent, to be superintended and maintained through Euro-

pean intervention, and yet more decisively from the actual armed interposition, now in progress, by the combined French and British forces, in the affairs of the *La Plata*—the responsibility must, it is feared, be traced in part to the *flinching* of what calls itself the democratic party from the legitimate consequences of the American policy declared by Mr. Monroe. For when, in the succeeding administration of *John Quincy Adams*, that sound American proposed to send ministers from this republic to the congress of ministers from the other republics of this continent, about to assemble at Panama, there to discuss the general principles of public policy to be pursued with regard to European interference—as well as questions of mutual friendly and commercial intercourse among each other—thus giving reality and substance, as it were, to what before was a significant but barren *formula*—the whole democracy rallied as one man against the proposition, and Mr. Adams was represented as transcending his constitutional power, in accepting the invitation of our American neighbors to meet them in friendly consultation about American interests—in jeopardizing our peaceful relations with Europe—and in seeking, by entangling engagements with the new states, to erect an American confederacy, as a counterpoise against the influence of the Holy Alliance of Europe.

This chapter of our political history may be instructively re-opened and perused at the present juncture; and we propose, therefore, in the next number of this Review, to recall and examine it in some detail. Suffice it here to say, that, throughout the discussion—first, in secret session of the Senate on the appointment of ministers; and secondly, in the House of Representatives on the bill making appropriations for the mission—sentiments, the most offensive to the new American republics, were uttered, and apprehensions, not the most manly, indulged, of European resentment, if we should aim to establish an American system as a counterpoise to that of Europe, by the leaders of that party which now, through its official organ, seems so full of defiance towards the Old World, and so resolute that no European foot shall ever tread in sovereignty on any part of the New World now emancipated from colonial dependence.

Whatever the justice of the conjecture that the European pretension, and its actual practical operation in the *Rio de la*

Plata, to interfere in the affairs of this continent for the maintenance of a fancied balance of power, or under any other pretext, derived confidence from the course of leading American politicians in the Panama Mission, it may be assumed, we apprehend, as the almost universal sentiment of this country, that the language of Mr. Monroe in 1823 and in 1824, on this subject, does embody its actual feeling and determination; and that, whether in Oregon, in California, in Cuba, or in the River Plate, the United States will not see with indifference the attempt permanently to establish a European influence, much less a European colony—nor fail to resist it, if persevered in, after frank and friendly remonstrance.

It is not in the spirit of, nor with a view to, territorial aggrandizement, that this course is indicated as that which the nation should pursue, but simply as the wise and necessary precaution of self-defence. In the existing relations of the different governments and peoples of this continent to each other, or to ourselves, we seek to effect no change. We neither desire nor claim the right of interposing in their domestic affairs, content to leave them, as we require ourselves to be left, to decide all such affairs as suits those whom they immediately concern and are primarily to affect. If then we, belonging to the same hemisphere, and in many respects identified with these American nations, abstain scrupulously from attempts at influencing or coercing the course or conduct of their governments, we are entitled to expect and to require like abstinence on the part of distant Europe.

So again, as to large portions of territory lying within the nominal jurisdiction of some of the other American governments—either unsettled, or so sparsely settled, as hardly to be considered under the subjection of any authority—we seek not to possess ourselves thereof, content to leave to time and opportunity, and the character of their future population, the arbitration of their destiny. But we cannot, with due regard to our own safety and relative preponderance, consent that the system of European policy—of European institutions—or of a balance of power of European device and maintenance—shall be fastened upon those territories, thence to be radiated, it may be, to the derangement or the overthrow of our systems. Europe has her systems, in which America seeks not to interfere: America should have her

systems, with which Europe might not interfere.

The Whigs, in every event, and by all their antecedents, are bound to these doctrines; and we hope to see during this session some formal and authentic declaration proposed from the Whig side, to the effect that no European interference in the international concerns of this American continent will be looked upon with indifference by the United States.

Their power, as has been said before, at present is solely a moral power. They must take heed that it be not in any wise impaired in their hands, either by omission or commission. They must neither do nor advocate what is questionable in good faith and in sound morality, nor abstain from earnest opposition thereto, if proposed by others. In the lust of territorial aggrandizement, which, revived in our day and among our people, from their Norman-Saxon ancestry, seems neither less audacious nor less rapacious *—audax et rapax*—than when described of old by the Romans—and in the lawlessness of reasoning by which this lust is to be justified—the Whigs must hold the high ground of *moral arbiters*. Not indifferent certainly, on the one hand, to the just claims of their country—but not less averse to assert the robber plea, that we want, and have the power to take—they will be looked to by the good and the wise to promote moderation and justice, and especially to maintain peace and uphold the right, at whatever hazard of transient popularity. There is, we fear, what must be termed a degree of pusillanimity among public men and the public press, about seeming to be found, on any great topic of foreign controversy, in opposition to their own country, if they should frankly and honestly follow out the principles they nevertheless deem right. The discredit attached, even yet, to those who opposed the war of 1812, acts *in terrorem* upon the public sentiment of this day, and operates most mischievously upon the sound judgment and moral feelings of the country. It is an old artifice of executive usurpation, to foment such exasperation, and to insist that when foreign danger menaces, all domestic dissension should cease.

The Address to the people of Virginia, accompanying the resolution of '98—drawn up by Mr. Madison—thus refers to the claim of those in power that, in the face of foreign danger, we are not to scan too nicely domestic usurpation.

"It would be perfidious not to warn you

of encroachments which, though clothed with the pretext of necessity, or disguised by arguments of expediency, may yet establish precedents, which may ultimately devote a generous and confiding people to all the consequences of usurped power. Exhortations to disregard domestic usurpation until foreign danger shall have passed, is an artifice which may be forever used, because the possessors of power, who are the advocates of its extension, can ever create national embarrassments, to be successively employed to soothe the people into sleep, while that power is swelling silently, secretly, fatally."

These warnings, from one of the Fathers of the Republic, find a ready application to the course of the Executive, in seizing, under the plea of "expediency," upon the *Rio del Norte* as the western boundary of Texas, to the language of the last message and that anticipated in the forthcoming message respecting Oregon, combined with the denunciation by the official paper at Washington, and its echoes—as enemies to their country, and advocates of the foreign cause against that of their own land—of all who insist that the President should not, and constitutionally cannot, assume thus to forestall the action of Congress, and commit both it and the nation, in the face of the world, to acts and opinions which their deliberate judgment might dissent from and disapprove.

On the Whigs it will devolve to uphold the Constitution in this regard, as in so many others; and they must not flinch from any part of this great duty, even though called upon by what may seem public opinion to acquiesce. An honest party cannot, any more than an honest man, bend its conscience to the clamor of others, however numerous; nor in the great account which each, both here and hereafter, must give for himself of his acts, will the

"*Civium ardor prava jubentium*"

be admitted as any justification for him or them who knowingly do wrong.

Popularity is not to be contemned—party success is surely desirable; but far beyond success, and far above popularity, are to be ranked consistency, honor and justice. These are the professed aims of the Whig party—let them be inflexibly its guides—and leaving the event where those thus influenced, thus

"To fine issues finely touched,"
should without distrust be content to leave it, **LET THE WHIGS ABIDE THEIR TIME.**

THE FACTS OF M. VALDEMAR'S CASE.

BY EDGAR A. POE.

Of course I shall not pretend to consider it any matter for wonder, that the extraordinary case of M. Valdemar has excited discussion. It would have been a miracle had it not—especially under the circumstances. Through the desire of all parties concerned to keep the affair from the public, at least for the present, or until we had farther opportunities for investigation—through our endeavors to effect this—a garbled or exaggerated account made its way into society, and became the source of many unpleasant misrepresentations, and, very naturally, of a great deal of disbelief.

It is now rendered necessary that I give the *facts*—as far as I comprehend them myself. They are, succinctly, these :

My attention, for the last three years, had been repeatedly drawn to the subject of Mesmerism ; and, about nine months ago, it occurred to me, quite suddenly, that in the series of experiments made hitherto, there had been a very remarkable and most unaccountable omission :—no person had as yet been mesmerized *in articulo mortis*. It remained to be seen, first, whether, in such condition, there existed in the patient any susceptibility to the magnetic influence ; secondly, whether, if any existed, it was impaired or increased by the condition ; thirdly, to what extent, or for how long a period, the encroachments of Death might be arrested by the process. There were other points to be ascertained, but these most excited my curiosity—the last in especial, from the immensely important character of its consequences.

In looking around me for some subject by whose means I might test these particulars, I was brought to think of my friend, M. Ernest Valdemar, the well-known compiler of the “Bibliotheca Forensica,” and author (under the *nom de plume* of Issachar Marx) of the Polish versions of “Wallenstein” and “Gargantua.” M. Valdemar, who has resided principally at Harlaem, N. Y., since the year 1839, is (or was) particularly noticeable for the extreme spareness of his person—his lower limbs much resembling those of John Randolph ; and, also, for the white-

ness of his whiskers, in violent contrast to the blackness of his hair—the latter, in consequence, being very generally mistaken for a wig. His temperament was markedly nervous, and rendered him a good subject for mesmeric experiment. On two or three occasions I had put him to sleep with little difficulty, but was disappointed in other results which his peculiar constitution had naturally led me to anticipate. His will was at no period positively, or thoroughly, under my control, and in regard to *clairvoyance*, I could accomplish with him nothing to be relied upon. I always attributed my failure at these points to the disordered state of his health. For some months previous to my becoming acquainted with him, his physicians had declared him in a confirmed phthisis. It was his custom, indeed, to speak calmly of his approaching dissolution, as of a matter neither to be avoided nor regretted.

When the ideas to which I have alluded first occurred to me, it was of course very natural that I should think of M. Valdemar. I knew the steady philosophy of the man too well to apprehend any scruples from him ; and he had no relatives in America who would be likely to interfere. I spoke to him frankly upon the subject ; and, to my surprise, his interest seemed vividly excited. I say to my surprise ; for, although he had always yielded his person freely to my experiments, he had never before given me any tokens of sympathy with what I did. His disease was of that character which would admit of exact calculation in respect to the epoch of its termination in death ; and it was finally arranged between us that he would send for me about twenty-four hours before the period announced by his physicians as that of his decease.

It is now rather more than seven months since I received from M. Valdemar, himself, the subjoined note :

“MY DEAR P—,

“You may as well come *now*. D— and F— are agreed that I cannot hold out beyond to-morrow midnight ; and I think they have hit the time very nearly.

“VALDEMAR.”

I received this note within half an hour after it was written, and in fifteen minutes more I was in the dying man's chamber. I had not seen him for ten days, and was appalled by the fearful alteration which the brief interval had wrought in him. His face wore a leaden hue; the eyes were utterly lustreless; and the emaciation was so extreme that the skin had been broken through by the cheek-bones. His expectoration was excessive. The pulse was barely perceptible. He retained, nevertheless, in a very remarkable manner, both his mental power and a certain degree of physical strength. He spoke with distinctness—took some palliative medicines without aid—and, when I entered the room, was occupied in penciling memoranda in a pocket-book. He was propped up in the bed by pillows. Doctors D—— and F—— were in attendance.

After pressing Valdemar's hand, I took these gentlemen aside, and obtained from them a minute account of the patient's condition. The left lung had been for eighteen months in a semi-osseous or cartilaginous state, and was, of course, entirely useless for all purposes of vitality. The right, in its upper portion, was also partially, if not thoroughly, ossified, while the lower region was merely a mass of purulent tubercles, running one into another. Several extensive perforations existed; and, at one point, permanent adhesion to the ribs had taken place. These appearances in the right lobe were of comparatively recent date. The ossification had proceeded with very unusual rapidity; no sign of it had been discovered a month before, and the adhesion had only been observed during the three previous days. Independently of the phthisis, the patient was suspected of aneurism of the aorta; but on this point the osseous symptoms rendered an exact diagnosis impossible. It was the opinion of both physicians that M. Valdemar would die about midnight on the morrow (Sunday.) It was then seven o'clock on Saturday evening.

On quitting the invalid's bed-side to hold conversation with myself, Doctors D—— and F—— had bidden him a final farewell. It had not been their intention to return; but, at my request, they agreed to look in upon the patient about ten the next night.

When they had gone, I spoke freely with M. Valdemar on the subject of his approaching dissolution, as well as, more

particularly, of the experiment proposed. He still professed himself quite willing and even anxious to have it made, and urged me to commence it at once. A male and a female nurse were in attendance; but I did not feel myself altogether at liberty to engage in a task of this character with no more reliable witnesses than these people, in case of sudden accident, might prove. I therefore postponed operations until about eight the next night, when the arrival of a medical student with whom I had some acquaintance, (Mr. Theodore L——,) relieved me from farther embarrassment. It had been my design, originally, to wait for the physicians; but I was induced to proceed, first, by the urgent entreaties of M. Valdemar, and secondly, by my conviction that I had not a moment to lose, as he was evidently sinking fast.

Mr. L—— was so kind as to accede to my desire that he would take notes of all that occurred; and it is from his memoranda that what I now have to relate is, for the most part, either condensed or copied *verbatim*.

It wanted about five minutes of eight when, taking the patient's hand, I begged him to state, as distinctly as he could, to Mr. L——, whether he (M. Valdemar) was entirely willing that I should make the experiment of mesmerizing him in his then condition.

He replied feebly, yet quite audibly, "Yes, I wish to be mesmerized"—adding immediately afterwards, "I fear you have deferred it too long."

While he spoke thus, I commenced the passes which I had already found most effectual in subduing him. He was evidently influenced with the first lateral stroke of my hand across his forehead; but although I exerted all my powers, no farther perceptible effect was induced until some minutes after ten o'clock, when Doctors D—— and F—— called, according to appointment. I explained to them, in a few words, what I designed, and as they opposed no objection, saying that the patient was already in the death agony, I proceeded without hesitation—exchanging, however, the lateral passes for downward ones, and directing my gaze entirely into the right eye of the sufferer.

By this time his pulse was imperceptible and his breathing was sterorous, and at intervals of half a minute.

This condition was nearly unaltered for a quarter of an hour. At the expiration of this period, however, a natural

although very deep sigh escaped the bosom of the dying man, and the stertorous breathing ceased—that is to say, its stertorousness was no longer apparent; the intervals were undiminished. The patient's extremities were of an icy coldness.

At five minutes before eleven I perceived unequivocal signs of the mesmeric influence. The glassy roll of the eye was exchanged for that expression of uneasy *inward* examination which is never seen except in cases of sleep-waking, and which it is quite impossible to mistake. With a few rapid lateral passes I made the lids quiver, as in incipient sleep, and with a few more I closed them altogether. I was not satisfied, however, with this, but continued the manipulations vigorously, and with the fullest exertion of the will, until I had completely stiffened the limbs of the slumberer, after placing them in a seemingly easy position. The legs were at full length; the arms were nearly so, and reposed upon the bed at a moderate distance from the loins. The head was very slightly elevated.

When I had accomplished this, it was fully midnight, and I requested the gentlemen present to examine M. Valdemar's condition. After a very few experiments, they admitted him to be in an unusually perfect state of mesmeric trance. The curiosity of both the physicians was greatly excited. Dr. D— resolved at once to remain with the patient all night, while Dr. F— took leave with a promise to return at day-break. Mr. L— and the nurses remained.

We left M. Valdemar entirely undisturbed until about three o'clock in the morning, when I approached him and found him in precisely the same condition as when Dr. F— went away—that is to say, he lay in the same position; the pulse was imperceptible; the breathing was gentle (scarcely noticeable, unless through the application of a mirror to the lips;) the eyes were closed naturally; and the limbs were as rigid and as cold as marble. Still, the general appearance was certainly not that of death.

As I approached M. Valdemar I made a kind of half effort to influence his right arm into pursuit of my own, as I passed the latter gently to and fro above his person. In such experiments with this patient I had never perfectly succeeded before, and assuredly I had little thought of succeeding now; but to my astonish-

ment, his arm very readily, although feebly, followed every direction I assigned it with mine. I determined to hazard a few words of conversation.

"M. Valdemar," I said, "are you asleep?" He made me no answer, but I perceived a tremor about the lips, and was thus induced to repeat the question, again and again. At its third repetition, his whole frame was agitated by a very slight shivering; the eye-lids unclosed themselves so far as to display a white line of the ball; the lips moved sluggishly, and from between them, in a barely audible whisper, issued the words:

"Yes;—asleep now. Do not wake me!—let me die so!"

I here felt the limbs and found them as rigid as ever. The right arm, as before, obeyed the direction of my hand. I questioned the sleep-waker again:

"Do you still feel pain in the breast, M. Valdemar?"

The answer now was immediate, but even less audible than before:

"No pain—I am dying."

I did not think it advisable to disturb him farther just then, and nothing more was said or done until the arrival of Dr. F—, who came a little before sunrise, and expressed unbounded astonishment at finding the patient still alive. After feeling the pulse and applying a mirror to the lips, he requested me to speak with the sleep-waker again. I did so, saying:

"M. Valdemar, do you still sleep?"

As before, some minutes elapsed ere a reply was made; and during the interval the dying man seemed to be collecting his energies to speak. At my fourth repetition of the question, he said, very faintly, almost inaudibly:

"Yes; still asleep—dying."

It was now the opinion, or rather the wish, of the physicians, that M. Valdemar should be suffered to remain undisturbed in his present apparently tranquil condition, until death should supervene—and this, it was generally agreed, must now take place within a few minutes. I concluded, however, to speak to him once more, and merely repeated my previous question.

While I spoke, there came a marked change over the countenance of the sleep-waker. The eyes rolled themselves slowly open, the pupils disappearing upwardly; the skin generally assumed a cadaverous hue, resembling not so much parchment as white paper; and the circular hectic spots which, hitherto, had

been strongly defined in the centre of each cheek, *went out* at once. I use this expression, because the suddenness of their departure put me in mind of nothing so much as the extinguishment of a candle by a puff of the breath. The upper lip, at the same time, writhed itself away from the teeth, which it had previously covered completely; while the lower jaw fell with an audible jerk, leaving the mouth widely extended, and disclosing in full view the swollen and blackened tongue. I presume that no member of the party then present had been unaccustomed to death-bed horrors; but so hideous beyond conception was the appearance of M. Valdemar at this moment, that there was a general shrinking back from the region of the bed.

I now feel that I have reached a point of this narrative at which every reader will be startled into positive disbelief. It is my business, however, simply to proceed.

There was no longer the faintest sign of vitality in M. Valdemar; and concluding him to be dead, we were consigning him to the charge of the nurses, when a strong vibratory motion was observable in the tongue. This continued for perhaps a minute. At the expiration of this period, there issued from the distended and motionless jaws a voice—such as it would be madness in me to attempt describing. There are, indeed, two or three epithets which might be considered as applicable to it in part: I might say, for example, that the sound was harsh, and broken, and hollow; but the hideous whole is indescribable, for the simple reason that no similar sounds have ever jarred upon the ear of humanity. There were two particulars, nevertheless, which I thought then, and still think, might fairly be stated as characteristic of the intonation—as well adapted to convey some idea of its unearthly peculiarity. In the first place, the voice seemed to reach our ears—at least mine—from a vast distance, or from some deep cavern within the earth. In the second place, it impressed me (I fear, indeed, that it will be impossible to make myself comprehended) as gelatinous or glutinous matters impress the sense of touch.

I have spoken both of "sound" and of "voice." I mean to say that the sound was one of distinct—of even wonderfully, thrillingly distinct—syllabification. M. Valdemar spoke—obviously in reply to the question I had propounded to him a

few minutes before. I had asked him, it will be remembered, if he still slept. He now said :

" Yes;—no;—I *have been* sleeping—and now—now—I *am dead*."

No person present even affected to deny, or attempted to repress, the unutterable, shuddering horror which these few words, thus uttered, were so well calculated to convey. Mr. L—l (the student) swooned. The nurses immediately left the chamber, and could not be induced to return. My own impressions I would not pretend to render intelligible to the reader. For nearly an hour, we busied ourselves, silently—without the utterance of a word—in endeavors to revive Mr. L—l. When he came to himself, we addressed ourselves again to an investigation of M. Valdemar's condition.

It remained in all respects as I have last described it, with the exception that the mirror no longer afforded evidence of respiration. An attempt to draw blood from the arm failed. I should mention, too, that this limb was no farther subject to my will. I endeavored in vain to make it follow the direction of my hand. The only real indication, indeed, of the mesmeric influence, was now found in the vibratory movement of the tongue, whenever I addressed M. Valdemar a question. He seemed to be making an effort at reply, but had no longer sufficient volition. To queries put to him by any other person than myself he seemed utterly insensible—although I endeavored to place each member of the company in mesmeric *rappor*t with him. I believe that I have now related all that is necessary to an understanding of the sleep-waker's state at this epoch. Other nurses were procured; and at ten o'clock I left the house in company with the two physicians and Mr. L—l.

In the afternoon we all called again to see the patient. His condition remained precisely the same. We had now some discussion as to the propriety and feasibility of awakening him; but we had little difficulty in agreeing that no good purpose would be served by so doing. It was evident that, so far, death (or what is usually termed death) had been arrested by the mesmeric process. It seemed clear to us all that to awaken M. Valdemar would be merely to insure his instant, or at least his speedy, dissolution.

From this period until the close of last week—an interval of nearly seven months—we continued to make daily calls

at M. Valdemar's house, accompanied, now and then, by medical and other friends. All this time the sleep-waker remained *exactly* as I have last described him. The nurses' attentions were continual.

It was on Friday last that we finally resolved to make the experiment of awaking, or attempting to awaken him; and it is the (perhaps) unfortunate result of this latter experiment which has given rise to so much discussion in private circles—to so much of what I cannot help thinking unwarranted popular feeling.

For the purpose of relieving M. Valdemar from the mesmeric trance, I made use of the customary passes. These, for a time, were unsuccessful. The first indication of revival was afforded by a partial descent of the iris. It was observed, as especially remarkable, that this lowering of the pupil was accompanied by the profuse out-flowing of a yellowish ichor (from beneath the lids) of a pungent and highly offensive odor.

It was now suggested that I should attempt to influence the patient's arm, as heretofore. I made the attempt and failed. Dr. F— then intimated a desire to have me put a question. I did so as follows:

"M. Valdemar, can you explain to us what are your feelings or wishes now?"

There was an instant return of the

hectic circles on the cheeks; the tongue quivered, or rather rolled violently in the mouth (although the jaws and lips remained rigid as before;) and at length the same hideous voice which I have already described, broke forth:

"For God's sake!—quick!—quick!—put me to sleep—or, quick!—waken me!—quick!—*I say to you that I am dead!*"

I was thoroughly unnerved, and for an instant remained undecided what to do. At first I made an endeavor to re-compose the patient; but, failing in this through total abeyance of the will, I retraced my steps and as earnestly struggled to awaken him. In this attempt I soon saw that I should be successful—or at least I soon fancied that my success would be complete—and I am sure that all in the room were prepared to see the patient awaken.

For what really occurred, however, it is quite impossible that any human being could have been prepared.

As I rapidly made the mesmeric passes, amid ejaculations of "dead! dead!" absolutely *bursting* from the tongue and not from the lips of the sufferer, his whole frame at once—within the space of a single minute, or even less—shrank—crumpled—absolutely *rotted* away beneath my hands. Upon the bed, before that whole company, there lay a nearly liquid mass of loathsome—of detestable putrescence.

THE FLIGHT OF HELLE.

WHILE the awakened cock crowed loudly
 The dreamy watches of the morn,
 Phrixus' ram, with neck arched proudly,
 Stamped and pawed the graveled lawn;
 The pebbles on his steel hooves tinkled,
 The lustrous jasper gleamed and twinkled
 Of his crooked horns, all wreathed and wrinkled,
 Like an icy pine-branch in the dawn;
 Gold tufts upon his forehead glimmered,
 And burned with gold his woolly shroud,
 As dying hues of sunset shimmered
 On the light wreaths of sleeping cloud.

Tearfully drooped her dusky lashes,
 O'er Helle's cheek the pale grief spread:

“ The fires of my Father’s hearth are ashes,
 The joys of my father’s halls are dead ;
 Woe came with her he made my mother,
 Her jealous heart his love did smother
 For me and for my guardian brother—
 A curse of him who twice hath wed !
 But fast the Fates her life-web further,
 While they her doom of blood recite, —
 Chased to her son’s and her own mother,
 By the grim Daughters of the Night.”

Soon melts the wreath, that lighted wildly
 The raven depths of Helle’s eyes ;
 Soon through her soul welled sadly, mildly,
 The gush of sweeter memories :
“ Sheathed in the hues of morn, the river
 Glides on and murmurs Love forever ;
 Its fringing flowers still throb and quiver
 With his and my pure ecstacies.
 Yet thrills his heart with deep devotion ;
 But my fond smile and rosy wreath ?—
 In the Dawn-land, or where the Ocean
 Breaks on the silent shores of death !

“ Stars were gleaming, the moon was beaming,
 When last his arms my waist did twine—
 We were like twain of Heaven, dreaming
 Dreams that made our loves divine ;
 Beneath the stars our troth was plighted,
 Beneath the moon our souls united—
 The stars and moon shall be benighted
 Ere thrills his heart no more through mine.
 O fires ! that his long kiss imparted,
 Ye burn unquenched by bitter tears ;
 O Love ! so true and tender-hearted,
 Thou’lt droop not mid the blight of fears.”

Crushed in heart and sobbing, sighing,
 Heaved her white bosom with its woe,
 Like rain-gusts sadly plaining, dying,
 O'er the curved fountain’s fall and flow.
“ The hoary mountain’s emerald wonders
 Blaze forth alone, where cleave the thunders ;
 Only in hearts mad anguish sunders
 The live fires at the core can glow ;
 Their tears and blood must write the story
 Of woman’s truth and hero’s worth ;
 The Heavens give a godlike glory,
 Where wither all the joys of earth.”

Spake these words her brave defender,
 While, like the sun’s fire in the moon,
 His spirit’s glow, with softer splendor,
 In her pure soul enkindled soon.
 Now soars their ram, self-poised, uplifting,
 And bears them star-like on, unshutting,
 Like a radiant cloudlet, drifting
 Sky-ward some May afternoon ;
 Swift past the shores the gray sea washes,
 High, where old Athos greets the star,

On where the sun's red chariot dashes
Up through Aurora's amber bars.

The skies seem whirled on buzzing spindles—
So swims and spins her dizzy brain;
Afar the dear earth dims and dwindle—
She swoons, her clasped hands fall awain.
As shoots the hawk on folded pinion,
Or white star from its blue pavilion,
Her form athwart the morn's vermillion
Drops down into the blushing main;
Feather and curl the parting waters—
Soft arms her panting zone enwreath—
With Nereus' silver-footed daughters
She treads the yellow sands beneath.

The singing choir of nymphs advances,
Waking the echoes in their glassy cells,
With measured footfalls, leading choral dances
O'er paths bestrown with lustrous ocean-shells;
Above, in shifting tints auroral,
Glimmering with starry wreaths and floral,
Embowering avenues of coral
O'erarched their spiral pinnacles;
The swell of mingling tones ascended
From Tritons and the Naiades,
And chimes of wandering murmurs blended
With music of the humming seas.

They led her, like a novice Nereid vestal,
Hymning and waving token-wreaths of glee,
Through all their crystal caverns, decked in festal
And gorgeous hangings from the jeweled sea,
Where sat the gray-beard ocean-seer,
Wrecked by age's woe and cheer,
From out whose ruined body year by year
His kingly soul seemed wearing free;
In eyes cavernous, black and hooded,
Flickered wild and ghastly gleams—
On whom their burning glances brooded,
They saw his thoughts, his hopes and dreams.

Soon knew he Helle's heart of sadness,
And spake these words his prophet-lips :
"When the lyre's sweet notes of gladness
Mark the oar's quick-cadenced dips,
Then, 'neath the ocean's crystal cover,
Thy heart shall throb upon its lover—
No woes of earth around you hover,
No doubts your marriage joys eclipse;
For you the brimming youth ne'er perish,
Your radiant beauty waneth never;
As mortals rapturous love ye cherish,
A Sea-Nymph and a God forever."

A CHAPTER ON CHATHAM.

THE PEACE OF 1763.

[The following passages, on an important period of England's greatest minister, come to us from an accomplished pen, with an intimation of their being the only part yet written of a popular memoir of that statesman. The public will judge with us that such a memoir, written by an American, clearly and vigorously, could not fail to be of great interest to American readers, and will look for it accordingly.]—ED. A.M. REV.

FROM the year 1757 to the death of George II., William Pitt was Prime Minister of England. By the predominance of his genius he had composed all intestine feuds, and carried her power and fame to their farthest limits. Canada, after Wolfe's victory, had fallen, and the great colonial fabric which France had been for more than a century building, was at a single blow destroyed. The American Colonies were thus relieved from a dangerous neighboring enemy, and one superintending authority was extended over the continent of North America. And so it was throughout the world. France was everywhere humbled, and Great Britain everywhere triumphant. "George II.," said Burke, in one of his oration-like pamphlets, "carried the glory, the power, the commerce of England, to a height unknown even to this renowned nation, in the times of its greatest prosperity; and he left his succession resting on the true and only foundations of all natural and all regal greatness—affection at home, reputation abroad, trust in allies, terror in rival nations."

Every one is apt to shrink from that theory of history which attributes great effects to the power of a single man; but it is vain to question that, in the case of Mr. Pitt, individual power, the character of one man, had its direct and controlling influence. It was personal influence that made him prime minister, contrary to the wishes of the king, who disliked him with a truly king-like antipathy to popular favorites. In spite of the prejudices and cabals of a set of courtiers and courtier-like statesmen, with whom he had no sympathy, he had been forced, or rather forced himself, into power. Being there, the same power of individual-will showed itself, in absolute, almost tyrannical control at home, both in the cabinet and out of it—both over his colleagues and his nominal master, and in the conduct of a war which involved every power in Europe, and agitated every quarter of the globe. He was emphatically a war-min-

ister; for, as is very apparent, when he mingled afterwards in peaceful councils, (his health, to be sure, enfeebled,) his success was by no means so illustrious. But as a war-minister, his merit was brilliant indeed. Into every branch of the public service he seemed to infuse his own fierce spirit; and just so long as the military men of Great Britain felt the impulse which his vigor gave them, they triumphed over every enemy that opposed them. There is, in the biography of Lord Keppel, a very curious correspondence of General Field-Marshal Hodgson and Lord Albemarle, in which the peculiar vigor of the British minister is most happily hit off. In a letter written just before the expedition against Belle Isle, of which he was to take command, General Hodgson says: "After my interview with the king, I waited on Mr. Pitt by appointment. The element was calm and serene—not a dimple on the surface but what was occasioned by a smile. Wondered I would go this afternoon—why not stay till to-morrow? Recommended me not to stay for trifles if the wind was fair, or confine myself to forms; and promised to support me in all stretches of power whatever, and against whomever. Told me that perhaps the money might not be ready when we were to sail, but not to mind that, but go without it. I assured him that I would, and said, were things to be bought, they might be taken. He kissed me, and did not doubt of my success."

There is, too, a beautiful passage in a letter of Horace Walpole, who had no personal affection for the minister:

"The single eloquence of Mr. Pitt can, like an annihilated star, shine many months after it has set. I can tell you it has conquered Martinico. If you will not believe it, read the Gazette—read Monckton's letter. There is more martial spirit in it than in half of Thucydides, and in all the Grand Cyrus. Do you think Demosthenes or Themistocles ever raised the Greek stocks two per cent. in four-and-twenty hours? I shall burn all

my Greek and Latin books; they are the history of a little people. The Romans never conquered the world till they had conquered three parts of it, and were three hundred years about it; we subdue the world in three campaigns, and a globe, let me tell you, as big again as it was in their days.*

Nor was, as we have said, Mr. Pitt's power more strongly illustrated in his foreign than in his domestic policy, or rather in his political relations at home. He was master in the cabinet, and the intrigues which had been actively perplexing the government since the termination of Mr. Pelham's, if not of Sir Robert Walpole's administration, were forced to rest by his single predominance. On the 14th January, 1760, Lord Barrington thus describes this state of things: "If I were to give you an account of the past and present state of things here since I wrote last, I should compose a volume. For the present it may suffice that I assure you of the union, cordiality and good-will which reign at present among the king's servants. It (fortunately for them, our master and the public) is such that there never was more at any period of our time. I could not have said this three months ago, but I can safely assert it now; and I think there is every appearance that the same happy temper will continue. I verily believe that the Duke of Newcastle and his brother (Mr. Pelham) did not more cordially wish each other to continue in their respective stations, than the Duke of Newcastle and Mr. Pitt do now; and there are less disputes and coldness by a great deal than there used to be between the two brothers. This union, great and extraordinary as it may seem, is nothing in comparison with that of the Parliament and the nation; and seem to have one mind and one object. What is most astonishing, the object in which the whole people is united is wise and good. Do not, however, imagine that this proceeds from any improvement made by our countrymen in either wisdom or virtue; for it arises solely from this: no man who can raise any sort of disturbance, finds it either convenient or agreeable to be out of humor at this time. These are happy conjunctures, and I hope and believe the proper use will be made of them."

How different was the condition of things when the influence of Mr. Pitt's unimpaired vigor was removed, cannot be better shown than from the following extract, having reference to the ministry of 1769, but which is applicable to each portion of that interval of impotent intrigue and perplexity, beginning with Mr. Pitt's resignation in 1761, and ending with Lord North's premiership, in 1770: "An opinion has too long prevailed, that all ministers are alike, and that the measures proposed by all will have the same tendency. Many think the form of government not worth contending for, and very little attachment is discoverable, in the body of our people, to our excellent constitution; no reverence for the customs or opinions of our ancestors, no attachment but to private interest, nor any zeal but for selfish gratification. While party distinctions of Whig and Tory, High-Church and Low-Church, Court and Country, subsisted, the nation was divided, and each side held an opinion for which they would have hazarded everything; for both acted upon principle. If there were some who sought to alter the constitution, there were many others who would have spilt their blood to preserve it from violation. If divine hereditary right had its partisans, there were multitudes to stand up for the superior sanctity of a title founded upon an act of Parliament, and the consent of a free people. But the abolition of party names seems to have destroyed all public principles among the people; and the frequent changes of ministers, having exposed all sets of men to the public odium, and broke all bands of compact and association, has left the people but few objects for their confidence. The power of the crown was, indeed, never more visibly extensive over the great men of the nation; but then the great men have lost their influence over the lower order of the people. Even Parliament has lost much of its reverence with the subjects of the realm, and the voice of the multitude is set up against the sense of the Legislature. An impoverished and heavily burdened public; a declining trade and decreasing specie; a people luxurious and licentious, impatient of rule and despising all authority; government relaxed in every sinew, and a corrupt, selfish

* Letter to George Montague, 22d March, 1762. (IV. Walpole, 219.) The news of the capture of Martinico was brought to England by Mr. *Horatio Gates*, who, it seems, was Walpole's god-son, and who is pleasantly referred to in the above letter. (p. 220.)

spirit pervading the whole; the state destitute of alliances, and without respect from foreign nations.”*

Between the dates of these two extracts Mr. Pitt had retired from the ministry, which, as a Commoner, and through a war, he had conducted with such ability, and, becoming an earl, had sunk into the insignificance of a sinecure department in an administration which he wanted either the inclination or—from infirmity of health or temper—the ability to regulate or control. It is necessary that the leading incidents of this interval should be intelligibly narrated.

On the 14th January, 1760, (and so it continued till the accession of George III., in October of the same year,) everything in and out of the cabinet was “union, cordiality and good-will.” “When you have changed,” says Walpole, in a private letter written less than a fortnight after the king’s death, “the cipher from George II. to George III., and have shifted a few lords and grooms of the bed-chamber, you are master of the history of the new reign, which is, indeed, but a lease of the old one.”

Things were very soon destined to change, and a combination of domestic intrigue and foreign diplomatic controversies led to Mr. Pitt’s final retirement from administration.

On the accession of George III., the Earl of Bute, though possessed of great influence, personally, with the royal family, held no responsible office under government. It is now well ascertained that he was not merely discontented with this state of things, but had early determined, not only to have a place in the administration, but to rid himself of the overshadowing influence of Mr. Pitt. The evidence that this was so may be briefly stated. Among the meanest and most contemptible of intriguers, was Bubb Dodgton, who, in 1761, was by Lord Bute created—as a reward for services presently to be stated—Lord Melcombe. He was the friend, the confidant and the tool of Lord Bute. In his Diary of November

22d, 1760, less than a month after the death of George II., are the following entries:

“ Nov. 22d. Lord Bute *desired to see me at my own house*, at Pall Mall. He staid two hours with me; we had serious and confidential talk; he gave me repeated assurances of his most generous friendship, and fresh instances of the king’s benignity, by *his majesty’s order*. Nov. 29th. Lord Bute came to me by appointment, and staid a great while. I pressed him to take the Secretary’s office, and provide otherwise for Lord Holdernes. He hesitated for some time, and then said, *if that was the only difficulty* it could easily be removed; for Lord Holdernes was ready, at his desire, to quarrel with his fellow-ministers (on account of the slights and ill-usage which he daily experienced) and go to the king and throw up, in seeming anger; and then he (Bute) might come in without seeming to displace anybody. I own the expedient did not please me.

“ Dec. 20. Lord Bute called on me; and we had much talk about setting up a paper, and about the Houses, in case of resignations.

“ 21st. Mr. Glover was with me, and was full of admiration of Lord Bute. He applauded his conduct, and the king’s saying, ‘*they would beat everything; but a little time* must be given for the madness of popularity to cool.’”

On the 2d of January, 1761, is a passage of similar import, in which Lord Bute tells Dodgton that the ministry were meditating a peace with France. “If such,” replied Dodgton, “should be their scheme, it will be irresistible; there was but one way to defeat the use they proposed to make of it, which was, to put himself at the head of it in a great office of business, and to take the lead.” [See also Diary, 16th January.]

Of these intrigues, or at least of the evidence of them, the prime minister did and could know little or nothing, and may, not unreasonably, have relied on the professions of confidence and regard which the king and Lord Bute were habitually making. In this way only can

* This is an extract from an almost forgotten pamphlet, “The State of the Nation,” written in 1769, and to which Mr. Burke published his celebrated reply. Of the thousands who are familiar with the imposing eloquence of the reply, how few have read the former. Yet, as evidence, it is a most valuable paper. It was written by Mr. Knox, the private secretary of George Grenville, (I. Cavendish’s Debates, p. 42,) and may be considered a fair exposition of that statesman’s policy, the inducements to the peace of 1763, and the origin of the system of colonial taxes. On the 8th Nov., 1768, Mr. Grenville, then in opposition, made a speech, reported by Sir Henry Cavendish, in which he refers to the “State of the Nation” almost in the same terms with the extract in the text.

we account for his apparently contented acquiescence in the first movement which was made, in March, when Lord Holderness retired on a pension, Lord Bute taking his place, and Lord Barrington was made Chancellor of the Exchequer in the room of Mr. Legge. If we may judge from the new Chancellor's own testimony, this change could have brought no strength to the tottering ministry : "The same strange fortune which made me Secretary at War, five years ago, has made me Chancellor of the Exchequer; it may perhaps at last make me Pope. I think I am equally fit to be at the head of the Church as of the Exchequer."—[3 Chatham, 99.]

It is due to truth here to pause, and say that the apparent connivance of Pitt, in this arrangement, never has been explained. His private correspondence is silent. The change in Lord Holderness's department is less material than that in the Exchequer. Lord Holderness, if we are to believe Dodington's hearsay testimony, was party to the pending conspiracy. But with Mr. Legge, the case was widely different. He was the friend of Mr. Pitt; and one of two conclusions is inevitable: either that the change was made with his free consent, and by concert between Lord Bute and himself, as an adverse movement to others of his colleagues; or that, being unable to resist the current of personal and royal favor, he was unwilling, for a friend's sake, to attempt to thwart it. The evidence on the one side is, that Mr. Pitt's panegyrists assumed this ground of very inadequate justification; and on the other, an intercepted letter from the Spanish ambassador (a very vigilant observer of all that was going on around him) to his government, which, being published in the Chatham Correspondence, (vol. III., p. 101,) must have come into Mr. Pitt's hands soon after it was written. "Mr. Pitt," says he, "is not visible. I believe he wants to gain time to see the effect of France's declaration. Your Excellency need not doubt of his union with my Lord Bute; and that the present changes have been made with his privy. The blow is leveled at the Duke of Newcastle and his party. Your Excellency will see the consequences of this."

Be this as it may, the deeper plot was still in progress; and when, through other agency than its own, its object was attained, Dodington wrote to his victorious patron: "I sincerely wish your lord-

ship joy of being delivered of a most impracticable colleague, his majesty of a most imperious servant, and the country of a most dangerous minister. I am told that the people are sullen about it. Be that as it may, I think it my duty to my most gracious sovereign, and my generous friend, to say, that if I can be of any service to either in anything that can be most difficult and dangerous, I am most ready to undertake it."

Lord Brougham, in his sketches of British Statesmen, sees in the Earl of Bute's reply nothing but austere and dignified rebuke. To me it seems more like the cautious reply of one who, having attained his own ends, chooses to check the familiarity of a confederate whose counsel and exultation are neither useful nor agreeable. It is not improbable, too, that Lord Bute, now that he held alone the helm of State, began to distrust his ability to keep the ship steady, and regretted the absence of the old pilot whom he had helped to throw overboard. Besides, if no concurrence of views and plans had existed between them, would Dodington ever have ventured to write such a letter? Lord Bute says, in reply, (Oct. 7th:) "Whatever private motives of uneasiness I might have in the late administration, I am far from thinking the dissolution of it favorable, in the present minute, to the king's affairs. I shall not fail to acquaint the king with the *very frank and generous* declaration you made. Indeed, my good lord, my situation, at all times perilous, is become much more so, for I am no stranger to the language held in this great city: 'Our darling's resignation is owing to Lord Bute, and he must answer for all the consequences;' which is, in other words, for the miscarriages of another system, which Pitt himself could not have prevented. All this keeps up my attention, and strengthens my mind without alarming it; not only whispers caution, but steadiness and resolution, wherein *my noble friend's* assistance will prove a real comfort to me."

Such is the accessible evidence of the miserable court-intrigue, of which alone, it is not possible to doubt, Mr. Pitt would in time have been the victim. Other causes, public in their nature, which it is far more agreeable to contemplate, led to the same results.

The parties to the war which was raging when George III. came to the throne, were, on the one side, France, Austria and Russia—on the other, England and

Prussia. Frederic the Great, almost single-handed, was fighting the battles of Europe. Spain was, or affected to be, neutral. Early in 1761, the Duke de Choiseul made overtures of peace to Pitt, which were under consideration during the summer. The Spanish Prime Minister was M. Wall. The British minister at Madrid was the Earl of Bristol. The Spanish minister in London was the Count de Fuentes, who arrived and was presented at Court during the reign of George II., (June, 1760.)

The first difficulty that occurred after his arrival—and it is only important as showing the mutual distrust which existed—arose out of the fact of Fuentes' addressing two dispatches to the British Secretary, one in relation to the Newfoundland Fisheries, and the other to the Honduras Settlement, in which he stated that copies had been sent to the court of France. This course the British ministry seriously resented, and, with the full concurrence of his colleagues, Mr. Pitt wrote a very earnest and harsh remonstrance to the Spanish minister. As early as January, 1761, the British ministry deemed it necessary to exercise a more complete vigilance over the Spanish minister, and, by means which then, it is to be presumed, were common, and considered justifiable, to put themselves in possession of his correspondence. In February, 1761, the Marquis of Grimaldi, (Minister of Spain at Paris,) wrote in cipher to London, that he was busy endeavoring to prevent a general peace—which was much desired by the French nation—or at least, in an effort to postpone it till a previous alliance should be formed between Spain and France. These letters were intercepted and read before they reached their destination. They had no other effect than to stimulate the English ministry to new efforts, and exertions were renewed to dispatch the expedition then fitting out against Belle Isle.

On the 5th March, another less equivocal letter fell into the hands of the ministry. "Three messengers," says Grimaldi, "are already dispatched to our court, in order by degrees to sow the seeds of an alliance with this. I will acquaint your Excellency with the result. It appears to me of the utmost importance for us to assure ourselves of France, and engage her before she makes her peace; *for afterwards, I do not know what inclination she may have to go to war again*

for our sake. I return your Excellency a thousand thanks for your advices concerning the English expedition. They are useful for the ministry here and for our object. The Duke de Choiseul has charged me to thank your Excellency in his name. Send us word of what you know. The notion of making proposals to England for a congress, continues, and, I believe, will be executed. *For all this, peace is not yet made.*"

To this letter Fuentes replied on the 10th, in the same spirit, but, very reasonably, (as is now apparent,) seems to distrust the security of his dispatches. "I say no more," he says, "on account of the badness of the cipher. Your Excellency may be able, by means of some express, to send one more difficult, in order that we may be able to correspond." On the 17th, he again writes in relation to the modification of the ministry, on the retirement of Lord Holderness: "The change of my Lord Holderness will be followed by many others, as I informed the court since the king's death. There is a great fermentation, and a Scotch Secretary of State will create much talk. If we behave with proper resolution, as I hope we shall, and if the court of France thinks and acts as it ought, I promise myself great satisfaction; and the greatest of all will be to reduce this nation within proper limits, and to reason, which they do not know. I return my compliments to our friend Choiseul, and shall do what he desires."

On the 26th of March, the French Prime Minister made a communication to Mr. Pitt, of a desire to attempt to negotiate a separate peace with Great Britain, stating generally no other basis than that of *uti possidetis*. To this a reply was sent, expressive of an earnest desire for peace, an acquiescence in the terms suggested, but of a full determination, in any treaty, to protect the interests of the King of Prussia, the only and faithful ally of Great Britain.

It would seem that the secrets of diplomacy, at this juncture, were nowhere well kept; for scarcely had the French propositions been made, when the King of Prussia wrote a private and most earnest letter of remonstrance to Mr. Pitt, against any negotiation in which his territories, then overrun by the Allies, might be sacrificed. He trusted to no diplomatic dispatch. He wrote directly to the minister. He signed himself the minister's "very affectionate friend, Frederic."

Mr. Pitt's answer, filled with protestations which, so far as his individual feelings were involved, were sincere, is also preserved; and we can easily conceive that, distrusting the fidelity of his king and his colleagues, and their anxiety for peace on any terms, with how much sincerity he told the King of Prussia "that there were moments when he trembled for his territories and his safety.

"Would to God," he adds, "that these moments were past, and that I could say with sincerity, that these anxieties were yet at an end."

During the month of April, various formal dispatches passed between the two governments, without any farther progress than an agreement to send ministers to a congress at Augsburg; and on the 19th, the French government proposed that ministers should be accredited by each country, to conduct the pending negotiation more conveniently. This was acquiesced in, and in the middle of May, Mr. Stanley arrived in Paris, and M. de Bussy in London. The negotiation commenced unpropitiously. Great, and what may now seem almost ludicrous pains, were taken, that the two diplomatic agents should cross the Channel at the same time; and when, on Mr. Stanley's arrival at Calais, it was found that De Bussy had not left Paris, and did not arrive for two days, so serious was the offence given, that Mr. Pitt directed Stanley to suspend the delivery of his credentials till the Duke de Choiseul disowned the conduct of his agent.

It is curious to observe the modes of diplomacy of those times. Mr. Stanley was instructed to watch the motions especially of the Marquis de Grimaldi, whose intrigues Mr. Pitt had peculiar reason to apprehend, and we may infer by what means by Mr. Stanley's answer. "I don't think," says he, "it will be impracticable to comply with this instruction, but I must represent to you that the executing it to any real effect will be attended with a vast expense." On the other hand, the French court spared no blandishments on the British envoy. An excessive anxiety for peace was professed. The most abundant courtesy was exhibited. The most beautiful and accomplished ladies of the court joined in these courtesies. Nor were they ineffectual, for we find him writing, with admirable self-complacency, "The Duchess de Grammont told me to-day that the minister had been greatly struck with my conversation. She

does the honors of his house, and showed me all the real preferences; ceremonies were for others, but I had her company while they were staring on us at a distance. I could see M. Shahronberg and Grimaldi are extremely uneasy. The Duke de Choiseul has expressed himself very highly pleased with me. In all other things, few things have equalled my reception. Ladies of the first quality have called to visit me. I am courted, caressed and invited on all sides." Again, (and we can imagine with what stern contempt Mr. Pitt must have read such a dispatch:) "The Duchess of Aiguillon is most grateful for his majesty's concession in favor of the convent founded by his ancestors at Quebec. She has recommended to my care some holy oils, to be used in the sacraments of Canada. If they reach you, I do not doubt of their being treated with the respect which she deserves, and which even a mistaken religion has a right to claim."

Nor were the British ministry less *attentive*, though in a different way, to the French agent in London. There is extant a paper purporting to be a report of some secret agent to Mr. Pitt, whose duty will appear from the following curious extract: "Tuesday, July 14. At 10 o'clock (M. de Bussy) went to a merchant in Throgmorton street—he left a card; then to Coleman street, to one Mr. Bryan's; thence to a paper-hanging shop in Holborn; thence to a shop in Chandos street; thence to a cabinet-maker's shop in Chandos street; thence to a cabinet-maker's at the corner of Newport street, Long Acre; thence to a milliner's across the way; thence home, where he dined. At 7 in the evening he went to M. Boul's, (the Dutch ambassador,) at Whitehall—stayed about ten minutes; thence to Russell's, the toy-shop, stayed about half an hour; thence to the Countess of Yarmouth, stayed there two hours, and so home," &c.

During the whole time the British minister relaxed no effort. The expedition against the French coast sailed on the 25th March; and after a month's vigorous siege, the fortress of Belle Isle capitulated to the English generals. The pending negotiations were destined to an early interruption. The fruits of the Spanish intrigue were soon developed. On the 15th July, 1761, the French minister addressed a private note to the English government, in which he hinted as a prerequisite to a treaty with France, certain

concessions to Spain—mainly the restitution of some indicated captures, the privilege of the fisheries, and the surrender of the Honduras settlement. To this Mr. Pitt returned a prompt and characteristic reply: “It is my duty to declare farther to you, in plain terms, in the name of his majesty, that he will not suffer the disputes with Spain to be blended in any manner whatever in the negotiation of peace between the two crowns; to which I must add, that it will be considered as an affront to his majesty’s dignity, and as a thing incompatible with the sincerity of the negotiation, to make farther mention of such a circumstance. Moreover, it is expected that France will not at any time presume a right of intermeddling in such disputes between Great Britain and Spain.”

On the 14th of August, Mr. Pitt’s ultimatum to France was submitted to the cabinet, and adopted by a slender majority. Lord Bute’s private letter indicates not only that the power of the great commoner in the royal councils was on the wane, but that his enemies knew it. It is highly ceremonious. “I have thought it my duty to state exactly to his majesty the opinion of this day’s cabinet. The king has perused the draught, and desires that the letter may be sent to M de Bussy. I must not, however, conceal from you, that his majesty shows a great deal of concern at a matter of this importance being carried by so slender a majority, and has asked me several times, with eagerness, why words were not chosen in which all might have concurred. I do not remember to have seen so much agitation concerning any question that has been before us.” The dispatch was sent on the 15th.

Affairs were soon brought to a crisis. While Mr. Stanley was amused in Paris, and Mr. Pitt and De Bussy were exchanging ultimatums in London, closer relations were forming between the two European courts, and heavy naval armaments were preparing in the Spanish ports.

On the 2d of September, Mr. Stanley had a glimpse that the French court was deceiving him; and about the same time an intercepted dispatch from Grimaldi to Count de Fuentes came into Mr. Pitt’s possession: “The fear of our court, which is not badly grounded, is for the fleet. They want to gain time there till she is arrived at Cadiz, and are privately sending twelve ships, by way of convoy.

As to the other dispatch in cipher, I answer that without this they have remained here entirely bound by the Family Agreement and the Convention; and even without this, what your Excellency mentions is not to be feared, unless it is to be believed that treaties are of no use, in which case one will be of as much validity as the other. However, there is no room for this fear, since both instruments were signed on the 15th, and I expect shortly their ratification.” On the 13th September, Grimaldi again writes, (his letter being intercepted,) that the treaty between France and Spain was ratified, and that there need be no farther apprehension of accommodation with Great Britain. The French ultimatum was at once rejected, and in less than a week Mr. Stanley demanded his passports, and both he and M. de Bussy withdrew from their respective posts.

On the 18th of September, Mr. Pitt, justly indignant at the duplicity of Spain, proposed, in the Privy Council, an immediate declaration of war against that power. “We ought,” said he, “from prudence, as well as from spirit, to secure to ourselves the first blow; that if any war could provide its own resources, it must be a war with Spain; that their flota had not yet arrived, and that the taking of it would at once disable their, and strengthen our, hands; and that this procedure, so suited to the dignity of the nation, and the insults it had received, would be a lesson to Spain, and to every other power, how they should presume to dictate in our affairs, and to intermeddle with a menacing mediation and an officiousness as insidious as it was audacious.” In the cabinet this counsel met with no favorable response, but from Lord Temple. It was renewed, and again farther time for consideration desired. The third time, the Secretary urged with equal vehemence the recall of Lord Bristol, and a Spanish war; and, finding no one concurred with him but Earl Temple, abruptly, and with characteristic violence, announced his intention to resign. “This is the moment for humbling the whole House of Bourbon. If I cannot prevail now, this is the last time I will sit in this council. I thank the ministers of the late king for their support. I was called to the ministry by the voice of the people, to whom I conceive myself responsible for my conduct; and I will not remain in a situation which makes me responsible for measures I am no longer

allowed to *guide*." It was in answer to this vehement annunciation, that, according to contemporary history, Lord Granville, then President of the Council, said : "I find the gentleman is determined to leave us; nor can I say that I am sorry for it, since he would otherwise certainly have compelled us to leave him. But if he be resolved to assume the right of advising his majesty, and directing the operations of the war, for what purpose are we called to this council? When he talks of being responsible to the people, he talks the language of the House of Commons, and forgets that at this Board he is responsible only to the king." None but Lord Temple and Mr. Pitt supporting hostile policy towards Spain, the latter resigned the seals; and the brilliant administration, of which he had been the animating spirit, abruptly terminated.

One suggestion will occur to the most casual student of this portion of history. How strange it is that, after such disclosures as were made in the intercepted correspondence, a majority, or even any one of the cabinet, should have doubted that a war was inevitable and politic. A single sentence from Grimaldi's letter of 5th March, one would think, must be conclusive. How much stranger that, on such a question, such papers, when in the possession of the minister, should not be known to his colleagues. We can understand why they were not publicly referred to; the means by which they were obtained precluded that. Is it not, on the whole, most reasonable to infer, that the cabinet was apprised of all that Mr. Pitt knew; but it being determined to be rid of him, for other and ulterior purposes, it was part of an invertebrate and steadily pursued intrigue, to force him into a resignation, on this question of Spanish policy, in the belief that the evidence which would most avail to justify his opinions could not, for obvious reasons, be adduced? May it not also be inferred, especially from the tone of Count Fuentes' letters, that there was a good understanding between him and the new ministry, and that Lord Bute and his friends may have calculated on this to obviate what otherwise was inevitable? The very intercepted letters showed that Spanish hostility was principally hostility to Mr. Pitt.

Nor did the secret cabinet managers stop here. Mr. Pitt was not only to be dismissed, but he was, if possible, to be discredited; and on the very day of his

resignation, while Lord Granville's rebuke was sounding in his ears, before his own boast, that he was forced by the *people* on the king, had died away, Mr. Pitt received an offer of high and lucrative honors at the monarch's hand; and such, at the moment, seems to have been the strange trustfulness of his temper, that he was so far seduced by them as to ask and receive, at a moment when he parted with his king and his colleagues in resentment at their insensibility on a point of national honor, a pension and a coronet for his wife and children. George III., it is very apparent, could play the hypocrite as adroitly as less sturdy sovereigns. That this view of this strange inconsistency is correct, is manifest from Mr. Burke's contemporary comment :

"Immediately," says he, "the Gazette gave notice of all these transactions. The resignation made the first article—the honors and rewards the next; and they were followed by a letter from our ambassador in Spain, containing an account of favorable and pacific language of that court, and of the strong assurance they gave of a desire to accommodate all differences in an amicable manner. It must be owned, this manœuvre was very skillfully executed; for it at once gave the people to understand the true motive to the resignation, the insufficiency of that motive, and the graciousness of the king, notwithstanding the abrupt departure of his minister. If, after this, the late minister chose to retire into opposition, he must go into it loaded and oppressed with the imputation of the blackest ingratitude. If, on the other hand, he should retire from business, or should concur in support of that administration which he had left because he disapproved of its measures, his acquiescence would be attributed, by the multitude, to a bargain for his forsaking the public, and that the title and the pension were the considerations. These were the barriers that were opposed against that torrent of popular rage, which it was apprehended would proceed from this resignation. And the truth is, they answered their end perfectly. This torrent for some time was beaten back—almost diverted into an opposite course; and when, afterwards, it returned to those objects against which it was originally directed, and where it was most dreaded, it was no longer that impetuous and irresistible tide which, in the year 1757, had borne down everything before it; it was weakened, divided and ineffective."

Mr. Pitt wrote a letter of explanation to Mr. Beckford, but there seemed to be no cordial response. The people were, to use Dodington's exact phrase, "sullen;" they were irritated and disappointed.

The Earl of Bute became Prime Minister, and Lord Egremont Secretary of State for the Southern department. The career of the new administration was anything but tranquil. Theirs was the ungracious duty of winding up a war which was a legacy from their predecessors, and to strive for a peace which they gained no credit for effecting. Everything that went right, was attributed to the impulses given by Pitt: everything that miscarried, was attributed to their incapacity, and made the subject of humiliating contrast. The first event was full of mortification and disappointment. The pacific administration was forced, by Spanish insolence, into the war which Mr. Pitt had told them was inevitable. Lord Bristol in vain demanded precise answers, as to the existence of a French treaty. He was postponed and perplexed with evasions, almost as offensive as admissions could have been, until at last, on the 10th of December, in answer to a positive, but most respectful demand, the Spanish Prime Minister threw off the mask he had of late worn so awkwardly, and told the British envoy "that the spirit of haughtiness and of discord which dictated this inconsiderate step, and which, for the misfortune of mankind, still reigns so much in the British government, is what has made the declaration of war, and attacked the king's dignity, and that the Earl of Bristol might retire when, and in what manner, was convenient to him." Mr. Pitt, in his proudest hour, could not have been more offensively arrogant to the Abbe de Bussy, than was the Spanish Premier to the British Earl.

On the 25th of December, Count Fuentes addressed a most offensive note to Lord Egremont, filled with invectives and criminations of Mr. Pitt, describing him

as one who *appears* yet to hold the reins of government: to which the British minister replied with great power and dignity; and on the 2d January, 1762, war was formally declared.

The war on the part of Great Britain, at least in its naval operations, was brilliantly conducted, and the two great conquests of Martinico and Havana, in the summer of 1762, were as glorious achievements as ever signalized the British arms. But still, these victories seemed not, as formerly, to animate the public mind. The trumpet-tones of an ancient favorite were needed to tell them when and why to rejoice. These very achievements, as we have seen, were attributed to him, and not to the minister. It was his spirit that was in arms. The nation had begun to tire of war. Its glories were burdensome. War taxation was oppressive. Troops were enlisted with difficulty. The ministers saw that peace must be attained, and no more propitious moment occurred than that in which their arms were in the ascendant. The first step was to withdraw aid from the King of Prussia, a result which Mr. Pitt had long ago foretold. On this being done, the Duke of Newcastle resigned, and with him, all the old-fashioned Whigs in the cabinet. Lord Bute took the Treasury, and Mr. Grenville became Secretary of State. This he retained for a short time, Mr. Fox succeeding him with the lead of the Commons—Mr. Grenville becoming first Lord of Admiralty. The negotiations for peace were undertaken, and for the purpose individuals of higher rank and greater consideration than Mr. Stanley and M. de Bussy—the Dukes of Bedford and Nevernois, and Marquis de Grimaldi—were respectively appointed; and on the 3d of November, 1762, the preliminaries of peace between the two great powers, which for years had devastated the world, were signed at Fontainebleau. This was the Treaty of Paris, known as the great epoch of British politics, in their relation to America—the Peace of 1763.

D. D. Barnard

THE "ANTI-RENT" MOVEMENT AND OUTBREAK IN NEW YORK.

No one, who is familiar with current events in our country, and is watchful for its interests, can fail to be struck with the danger to which we are exposed, of late more manifest than ever before, from public licentiousness. We call it public, rather than popular licentiousness, in the instances to which we refer, because, though it may have, in most cases, a vulgar or ignoble origin, and may have a partial or local sway only, yet it has enough of countenance and support from respectable quarters to give it public character and consequence, and to make it formidable and dangerous. We shall be understood when we name the repudiation of State debts, the rebellion in Rhode Island, and the proposed plunder of Mexican territory, as examples of what we mean. When dishonesty becomes respectable—is admitted and welcomed into good society—is nodded to familiarly, and taken by the hand in public places, by those who assume to be the foremost men of their time—there is only too much reason for alarm, lest the taint of the disease may be becoming vital, pervading and irradicable.

In a country of very large liberty, it is not wonderful that some should occasionally trespass on the extreme limits of the law of order and safety, or that some others should habitually struggle for the very largest liberty—for absolute freedom from all restraint—for unbridled indulgence. Said Plato, long ago: "Law is the god of wise men—licentiousness is the god of fools." We, in this country, are the pampered children of liberty: it is not strange that some of us should be spoiled children. The family government to which we are subjected in the Republican Household, is of so mild, not to say loose, a character—it partakes so much of the indulgence practiced by over-fond and doting parents—we ourselves have so much to say about what restraints shall and what shall not be imposed on us—we are looked upon and talked about, in our hearing, as such prodigies—that the only wonder, perhaps, in the case, should be, that we should have grown up to man's estate as well-behaved, on the whole, as we are, and that no more of our number have fallen into disreputable and scandalous ways. We have, in truth, all of us, been

put to one of the severest trials to which human virtue can be subjected. We have been allowed to have our own heads, in the hot blood of our young days, with free liberty, one and all of us, at any time, to make common cause in all manner of licentious indulgence, and shelter ourselves behind a public opinion created by us for the occasion. How well, or how hardly, we have escaped in this warfare, results, in proper time, will show. That there are grounds for misgiving and apprehension, we think no reasonable man can deny; though the case is by no means so hopeless that anybody should be for giving it up in despair. There is not a doubt in our mind that there is still a principle of soundness left in the constitution and heart of the American people; and, on this foundation, we think it our duty, and the duty of all who love the peace and prosperity of the country, to build. Here rests our hope, not only of recovery from any partial or local malady which may fasten itself on any part of the body politic, but of eventual restoration, even in cases where the whole head seems faint, and the whole heart sick. The government and institutions of this country can stand a great deal of hard usage before they will fall into ruins—just as the prosperity of the country can stand a great deal of mal-administration before it will be destroyed or arrested. Still, we think it not unreasonable or unwise to indulge, and to express, a feeling of alarm, when we see evil opinions and practices—often most wild, dishonest and disorganizing—apparently making progress among our people. The existence of such opinions and practices, here and there, and now and then, must be expected, and need not excite serious fears in any mind, provided they do not invade and infect the healthier portions of the community. But here lies the danger. In our recent experience, we have seen most mischievous opinions, leading, practically, to disorganization and anarchy, not only embraced by very considerable numbers—which is not, however, of itself, the point of chief danger—but also patronized and advocated, or, at the least, encouraged, because not condemned, by those—and not a few—who, by their position in society, their calling and their associations, com-

mand public attention, possess, in some good degree, the public confidence, and exercise, therefore, a strong influence over public opinion. It matters not, for the results of things, by what motives or considerations such persons are impelled. Some, no doubt, are led into such fatal error through an amiable sympathy with what is called "the masses;" which would be *very* amiable and commendable, if it were not so indulged as to extinguish every sentiment of kindness, or even tolerance, towards the rest of the community, sealing up both the judgment and the conscience in complete judicial blindness. Others, again, are betrayed through the delusions which they practice on themselves in the pursuit of some plausible but mischievous theory in politics—some theory, quite probably, the chief merit of which consists in rejecting all history and all experience, and proposing to govern men as if they were gods. By far the greater number, however, of these persons, it is to be feared, have nothing else in view but the success of party, or the accomplishment of personal objects of petty ambition or paltry gain—who cannot afford, they think, and will not submit, to let any portion of the people who have votes to bestow on election days, slip away from them, or fail to come to their aid, in every need, for want of a little dishonest flattery on their part, or because it may be necessary to make a public sacrifice of principle, in order to avoid so heavy a discount of popular support. They look to the end, and they easily quiet themselves about the means. They are struggling for success; and success, in their convenient morality, will cover a multitude of sins. It is quite astonishing, and very humiliating, to think how much eminent ability, in one way and another—in one party, or fragment of party, and another—is employed in this way. Alas! they little know the mischief they are doing. They little know how deep-seated and wide-spread that moral disease is becoming, and will become, the seeds of which they are sowing in the community, or the germs of which, if planted by other hands, they are assiduously laboring to cultivate. It is this which makes all the danger in the case. It is this which converts a slight and innocuous eruption on the surface of things, into running sores and foul and malignant ulcers. It is this which aggravates a merely local and temporary ebullition of popular heat and impatience,

which would easily subside if left to itself, under the influence of a sound public sentiment—gentle, yet firm, charitable, yet uncompromising—into a popular commotion which shakes the pillars of the State. It is this, and this alone, which makes "subterranean" Democracy formidable and dangerous, and converts it from what it should be, and might be made—the ally of a peaceable, orderly, and righteous government—into a disaffected, unreasoned, and unappeasable enemy. It is this which gives to subterranean fervors, which otherwise would smoulder harmlessly on, affording no evidence of their existence or their mischievous power, beyond an occasional low and distant rumbling, an intensity and activity which set the whole earth above them heaving and trembling to its foundations. It is this which gives to vulgar and scandalous sentiments in politics all their circulation and all their virulence, and which makes the most infamous courses and practices in politics tolerated, and even respectable, in public estimation. It is in this way, in short, that, as a people, we have come to be obnoxious to the grave charge of public licentiousness; when, otherwise, the world would have seen nothing in our history or condition, in this respect, beyond those occasional excesses and irregularities—partial and temporary only, and easily controlled and suppressed—to which every country, and especially every free country, must be subject.

But, passing from these general observations—the force and pertinency of which may become more apparent as we go on—we propose to devote this paper to some consideration of that extraordinary state of things which has existed of late in several counties of the State of New York, under the machinations and movements of persons calling themselves "Anti Renters." In all this matter there is nothing, we believe, which is difficult or hard to be understood. When things are called by their proper names, they will immediately appear in their true light. A few plain definitions, and some simple explanations, thrown in in the course of our remarks, will enable us, without difficulty, to sound "all the depths and shoals" of this subject.

It happened that an individual, born and bred in this country, and never out of it in his life, and who came to his majority about the year 1785, came, at that same

time, into the possession, by inheritance, of a very large estate in lands. It was a large estate, counting it by the number of acres comprised within its limits; for it embraced a very large proportion of all the territory now within the two counties of Albany and Rensselaer; but it was then, the larger part of it, an estate in the wilderness, and productive only of a very moderate income. The young proprietor, however, caused the wilderness to be penetrated by his surveyors; and, within ten years from his majority, his lands, arranged into farms of convenient size, were found, *with the ownership in fee*, except in a comparatively few cases, in the hands of a body of substantial freeholders which must have numbered not far from three thousand. No other example can be found in the State, or perhaps in the United States, of so large a tract of wild land brought, in so short a time, into actual settlement and cultivation, under independent farmers, each one the owner of the soil on which he bestowed his labor. But the original proprietor had not absolutely given away his inheritance. Nobody, it is presumed, at that day, expected or wished him to do so. The settlers had wanted the lands, as the proprietor had wanted purchasers for them, but they were without the means of paying for them; and they were estimated at that period, as surveyed into farms, taking the whole tract together, at an average price of about three dollars an acre. The lands were not to be had without some compensation to the proprietor; and the question was, on what terms might cultivators, who had nothing to pay, go into the possession of them? One arrangement might have been for them to come under obligations to pay for the soil, according to its valuation, within some stipulated period, and in the mean time to pay an annual interest on that amount, leaving the land with all the improvements they might put upon it in the hands of the proprietor, or to stand as a pledge for the payment. This was one way often practiced in the country. But there was another, namely, that the purchasers, receiving free deeds of the soil, should undertake to make to the original proprietor a fixed and specific return of annual profits, equal to a very moderate interest on the estimated value of the soil at the time of the transfer. The latter mode of compensation was the one proposed, and agreed upon. They became at once, by deeds of conveyance, the owners of the soil in fee simple; they

stipulating on their part to make an annual render of profits to the proprietor, in the shape of a certain amount of the products of agriculture and of their labor. As a general rule, the product of one acre of the land, or, at most, of one acre and a half, under tolerable cultivation, was sufficient to discharge the annual dues on a farm of one hundred and sixty acres; and in all cases where the lands were new, no return whatever was demanded, or was demandable, by the original proprietor, for the first seven years after the purchaser took possession.

Such, then, was the state of things in what was called the Manor of Rensselaerwyck. Within ten years, or thereabouts, of the time when the proprietor came into full possession of his estate, then much of it in the wilderness, he had created a body of substantial freeholders, three thousand in number we suppose, every one of whom was as good a voter as himself for the highest offices in the State—and that, when none but freeholders could vote for such offices. But these freeholders were not wholly free from debt. It would have been most extraordinary if they had been. When they took possession of these lands, they had not the means to pay for the first acre. The occupant became the owner, in fee, of 160 acres of land; and as land was not common property like the air, or to be had only for the asking, it would seem to follow of course that some sort of indebtedness *must* have been contracted on account of so handsome a possession. He was in possession, as proprietor, of a capital in land, after seven years from the commencement of his occupancy, which at a moderate estimate, taking the average value throughout the tract, was not less than sixteen hundred dollars; and as yet he had not paid, or been required to pay, one farthing on account of it to the original owner. The foundation of this amount of solid property was the land furnished by the owner, free of all charge for the space of seven years. On this land the settler had wrought, and out of it he had had his living, for seven years; when, by means of his improvements, and the natural rise in the value of the land, by the progress of things in the country, he had come to be the possessor and owner of this respectable amount of property. And then it was, for the first time, that he was held to any payment whatever on account of his land. Then, by the terms of his contract, a charge *did* accrue out of it to the

original proprietor. This charge, varying in different parts of the "Manor," estimated in cash, was equal to an interest varying from one and a quarter to something less than two per cent. on the value of the farms at the time when the charge began to be payable.

The plain statement we have here made shows, in general terms, the relationship established between the occupants and owners of lands in the counties of Albany and Rensselaer, and the original proprietor. They had their lands without any payment of purchase-money in hand, and without any agreement even to pay a principal sum for them. Instead of this, they undertook to pay an annual rent; and as they were perpetually exempt from any obligation to pay a principal sum, this rent was to be perpetual. The important fact that we have now to notice is, that, for six years past, throughout the greater part of these two counties, where lands are held in the manner we have described, there has been a **CONCERTED, PRACTICAL REPUDIATION** of these rents, and of the obligations, or contracts, under which they are payable. This concerted action now embraces, and has for a considerable period embraced, several other counties, where lands are held under the like or analogous obligations.

It is not difficult to see how the design of repudiation should come to be entertained. If there had been a dozen or a hundred landholders only, scattered through the county of Albany, having their lands charged in the manner we have stated, with the payment of rent to as many different landlords, and no more cases of the sort were to be found in the State, there is not the slightest reason to suppose that it would ever have entered into the imagination of any one of them, that there was anything in this particular form of indebtedness which required him, or which left him at liberty, to repudiate the debt if he could. But sentiments and purposes which solitary individuals dare not avow or entertain, on account of their profligacy or injustice, communities of men, composed of just such individuals, will oftentimes boldly embrace. There seems to be nothing so intrinsically base or wicked, that respectable and apparently well-meaning persons may not be found to encourage and support it, provided only it have the sanction of numbers in its favor. Many, perhaps the majority of mankind, never look at all into the

grounds of any opinion or belief they may entertain, or of any line of conduct they may pursue. It is sufficient for them that they think and act as others do around them, and that they have the countenance of what seems to be public or popular opinion for the time. It is in this way, we believe, that the idea of a general repudiation of debts, existing in the form of rent charged on lands, so far as such repudiation should be found practicable, came to be entertained and extensively propagated. There were persons enough holding lands on this condition to make common cause, and cover themselves under a public opinion of their own. There were some thousands of such occupying the lands of Rensselaerwyck alone; for the number of holders had become of late greatly multiplied, without materially increasing the quantity of land held in this manner. Indeed, a very large proportion of the whole country population of Albany and Rensselaer counties had an interest, direct or incidental, in the subject. It happened too, in this case, that one individual, or one family alone, stood in the relation of creditor, for the dues charged on the lands, to this large community of landholders. Down to January, 1839, when *Stephen Van Rensselaer* died, they were mutually debtors to one man. Since that period there have been two creditors for their rents instead of one, but only one in each county. Attention was thus centered on an individual as the owner and receiver of these dues from so many debtors. This, of itself, was enough to create a bond of union and sympathy between the debtors. It was very natural that even the best and most honest among them should be led to compare their own personal condition with his. Thoughts of his extraordinary wealth would arise and become the subject of remark. Envious thoughts beget evil desires and designs. In this condition of things, the worst spirits in the community are sure to lead; and it would soon come to be a common reflection and sentiment among them, "Why, here is a gross disproportion in the distribution of wealth, and this must be all wrong if there be any virtue or excellence in republican equality. This is *tribute* which we are paying; this man is a lordling in a republican country, and we are serfs!" From this to the cry of "Down with the Rent," was but a short step. Moreover, this course of events was materially helped forward

by the serious accumulation of indebtedness upon the "Manor," which had been suffered to grow up in the time of the late proprietor. A more amiable and excellent man has not lived in our time. Often did he resort to borrowing rather than exact payment from debtors, who either neglected to come to him at all, or who came to him with plausible excuses for delay. He would not run the slightest hazard of acting oppressively towards any human being. But it is easy to see that many would take advantage of this lenity, dishonestly to withhold their dues, and of purpose to lead the way to a common resistance to the whole indebtedness. They knew that the difficulty of enforcing collections would be greatly increased, and the motives to resistance greatly strengthened. And so it has undoubtedly turned out.

The first Anti-Rent outbreak—we mean of late years—occurred in the county of Albany. During the life-time of the late proprietor, everything remained quiet. A sense of gratitude for continual favors, and a feeling, perhaps, that any outrage committed towards him or his estate would be resented by the common sentiment of the whole country, repressed any open show of that bitter animosity which has since been exhibited. Things were, no doubt, prepared and ripening for a movement, and his death was the signal for action. The "Manor" was immediately alive with a general stir. Meetings were held; committees were appointed; negotiations were had, and high demands were made, which were rejected, it may be, in no very gracious temper. The breach widened. Attempts to enforce collections, or serve process, were met by resistance. Outrages were committed on the officers of the law. Combinations were effected by which all legal process was rendered wholly nugatory. "Posse" were called out which effected nothing. And then came the Helderberg War. Bodies of armed militia marched into the disaffected country—and marched back again. The Legislature interfered, and commissioners were appointed by public authority, to interpose between parties to private contracts, to effect a settlement. Of course, they effected nothing. The payment of rents throughout the whole "Manor" was, in a great degree, suspended, and so has remained to this day. Ever since the death of the late Mr. Van Rensselaer, there has been, to a great extent, in all this "Manor," a practical repudiation of debts, in the shape of rents, actually con-

summated. None pay but the few who choose voluntarily to do so. There are, no doubt, many who choose to pay, but do not because they dare not. They are threatened with personal injury and the destruction of their property, by their neighbors, if they should do so. The law in this regard is powerless, and has been so for the long period of time we have mentioned. If an officer appears, the blast of a horn is sounded before him, and prolonged, if need be, by innumerable echoes, and he can find nobody whom he wishes to see. Nearly the whole population in many towns are "Anti-Renters." Their names are signed to articles of association. They make regular and stated contributions, by a tax of so much per acre on their lands, to a common fund for the support of the Anti-Rent cause. And large numbers among them are regularly enlisted, organized and armed, ready to appear at any moment, disguised as Indian warriors, for any desperate service to which they may be assigned. In the mean time this practical repudiation, supported by extensive combinations, and backed by an armed force, has spread to other counties. In about fifteen or seventeen other counties lands, to a greater or less extent, are held under grants which reserve rents, in many respects, not unlike those of Albany and Rensselaer; and in several of these the like associations and organizations, and the like practical repudiation, exist. In some of them the greatest outrages on the order and peace of society have been perpetrated. The law and its ministers have been set at open defiance, and murder has been committed—if that should be called merely murder, where death is dealt by a volley in the broad day, from a force numbering some hundreds of men, in regular military array, and organized and in the field avowedly to arrest and resist the course and administration of the law of the land and the authority of government. It may be added that one county—Delaware—is declared, by a public proclamation of the Governor, to be at this moment in a state of insurrection.

This, then, is a case of flagrant repudiation—attempted, and, as far as possible, already consummated. And the combinations for this object, as we have seen, are very extensive, and means have been resorted to to make the object effectual, which give it a very marked, aggravated and dangerous character. We do not suppose that all who are en-

gaged in it, or who contribute to support it by their means or influence, wish or intend that the cause of repudiation shall be pushed so far as to wipe off, at once and forever, every vestige of debt existing in the shape of rent, and bring about a thorough and complete acquittance of all the debtors by force of this movement. This is the purpose of some, no doubt; but many, we dare say, are willing to see a compromise effected—of course, at the expense of the creditors. The object of many, no doubt, is to compel these creditors to sacrifice a part of their dues, in order to secure the rest. Perhaps, the most of the "Anti-Renters" do not look for a permanent result to their labors much beyond this. But, in the meantime, repudiation is actually accomplished, probably in eight cases out of ten, in some half-dozen counties of the State where this kind of indebtedness exists. And if "Anti-Renters" mean, in the end, to be liberal enough to allow their creditors to receive a part of their dues, still the mischief of repudiation is done. It is just as base an act of turpitude, so far as principle is concerned, to compel a creditor, by violence or intimidation, to give up a part of what is honestly and fairly due to him on a legal contract, as it would be to rob him of the whole. The highwayman who divides with his victim on the road, after he gets him in his power, may be called a generous fellow, but he is a robber nevertheless. Our admiration of his generosity, even, would be a good deal abated if it should appear that he gave up part of his booty because he lacked the physical ability to carry it all away. If, indeed, it should turn out that the contracts in this case are illegal, or that the debts are unconscientious, the moral character of the transaction would certainly be changed. How that may be we may understand better, perhaps, by and by.

But this is repudiation; and, as we have seen already, it is repudiation with a high hand, and accompanied with manifold and outrageous crime. Wanton violence offered to innocent and unoffending persons, destruction of property, robbery, arson and murder, are among the offences committed in carrying it out. And this is not all, or the worst. The State has been attacked in its sovereignty, and the foulest treason has been committed. Extensive combinations have been formed, embracing many thousands of persons, and extending through sev-

eral counties, to resist, by force of arms, all attempts to enforce the payment of rent by legal process and authority, and the execution of all criminal process growing out of such resistance; and actual flagrant war, even to the shedding of blood, has been levied against the State. A tragical affair, as our readers know, occurred in August last, at Andes, in Delaware, when an officer, by the name of Steele, was shot down in the performance of his duty. A force, altogether, of 260 armed men, appeared on and near the ground on that occasion, in regular military array. This was not a demonstration got up merely for the case then in hand—the sale of property taken on a warrant of distress—and to end with that case; it was only one act in an organized and systematic resistance to the process and authority of the law in *every* case of the sort throughout the whole disaffected region. There were, at that time, according to the Proclamation of the Governor upon that event, a thousand or more persons enrolled, and sworn, as "Indians," within the single county of Delaware; while, of the force actually on the ground at Andes, a considerable portion had been drawn from two of the adjoining counties. We are advised officially, by the same respectable authority, that combinations to resist, by force, the execution of both civil and criminal process, have existed, for some time, in several counties; that the associations formed for this purpose have engrafted upon their organization a force of disguised, masked and armed men, subject to the orders and directions of the officers of these associations, and by and through which force, under the protection of its disguises and masks, the resistance to the execution of legal process is to be made; that the *avowed* and *declared* object of the associations is to prevent by force the collection of rent; that they have a regular fisc, to which fixed contributions are statedly made; that the officers of the associations, and all the enlisted men, are sworn to be true to this cause, and to keep each other's secrets; that magistrates, constables and supervisors have joined these combinations; and that these organizations, armed and unarmed, wherever they exist, have and avow a common object, make common cause, and act in entire concert and coöperation. Here, then, is rebellion, wide-spread, and of desperate intent. The object proposed is of a general

nature, and of great public concern; and that object has been attempted in repeated instances to be carried out by force—by assemblages of armed men. Such insurrections are clearly treasonable under the statutes of the State; “they have a direct tendency to dissolve all the bonds of society, and to destroy all property, and all government too, by numbers and an armed force.”

How this case—so extraordinary, so degrading to the character of the State, and so alarming—has been met and treated by men and parties out of the circle of Anti-Rent operations; what the public press has had to say about it; and how it has been met and treated by the public authorities; of these things we may have occasion to speak further on. At present, we must take some notice of the more prominent matters that have been put forth in various quarters as justifying, if not a resort to extreme measures, at least a strong feeling of dissatisfaction and resentment, on the part of those owning or holding lands subject to rent, towards their creditors, the owners of these rents. It is said that there is something wrong in the relation between these parties—something which ought not to be suffered in a free country—something degrading to the land-holders, inconsistent with the spirit of our institutions, and calling for the interference of the public authorities. Oppression is sometimes alleged in reference to the original contracts of sale and purchase. They are spoken of as hard bargains, oppressively insisted on and enforced. Doubts are expressed about the title to the lands; and complaints are made that the legal facilities for enforcing collections of rents are too great. Let us see what foundation there is for these allegations—how much of this spirit of complaint is founded in just considerations, how much in imaginary ills—how much of it is real, and how much is assumed for the occasion.

It is important, in the first place, that we should understand the true relation subsisting between the parties to deeds which convey lands in perpetuity, reserving annual rents; for this, we believe, is the kind of conveyance most complained of—at any rate, it is that under which the lands in the quondam “Manor of Rensselaerwyck” are principally held. Be it remembered, that we are now looking after the substance of things, and names must not be suffered to mislead us. It has been common to call these con-

veyances, Leases; to call the grantor, a landlord; and the grantees, Tenants. Strictly, every one who holds land is a tenant; but the word, as popularly understood, is usually employed to designate those who hold lands *belonging to others*, under some agreement for the temporary occupation. So the term landlord may mean any one of whom, or from whom, lands are holden, or the title derived; but it is usually applied, with us, to the owner of lands occupied, under agreement, by others. The word lease, in its appropriate meaning, is a contract of letting, by the owner of lands, to another.

Now, we have already said that the occupants of these lands are freeholders; and a freeholder is one who holds independently of the will and caprice of a feudal lord or landlord, or anybody else. But this term does not fully describe the tenure of these occupants; for an estate for life is a freehold, and it is, at the same time, a leasehold and a limited estate. The farmers of Albany and Rensselaer have better estates than this. Theirs are estates of inheritance—estates in fee—estates to last forever. Their conveyances are deeds of assurance, and they run in this wise, namely: that Stephen Van Rensselaer, “by these presents, doth grant, bargain, *sell*, remise, release and confirm unto the said party of the second part, and to his heirs and assigns, all that certain farm, piece or parcel of land,” &c.—“to have and to hold the said farm, piece or parcel of land, unto the said party of the second part, his heirs and assigns, *to the only proper use and behoof of the said party of the second part, his heirs and assigns, FOREVER.*” This is language, as every lawyer knows, which has a strong legal significance. By it every particle of interest which the grantor had in the soil passed to the grantee. The grantee became the sole owner. There was not only no present interest in the soil reserved to the grantor, but there was no future or reversionary interest. There was a clean conveyance of the whole estate—of the whole property.

It is true, that while the fee was granted—by which we mean, according to the modern use of the term, the whole property of the soil—a certain annual profit or return from the land was reserved by the deed to the grantor, and stipulated to be paid by the purchaser. This was an annuity, and was the consideration, or a part of it, for the purchase. It was a mode of paying for the fee, by paying for

the perpetual use. It is known in the law as rent, though in some respects differing essentially from rent reserved upon a *lease*, by the common law. It was called, and is called, fee-farm rent. It did not carry with it, and as inseparably incident to it, as other rent did, a right of distress. Without a stipulation to that effect in the deed, it was rent *seck*—dry or barren rent—and could only be collected by an action, as for an annuity or other debt. But by a stipulation, or covenant, by which the right of distress was expressly granted by the purchaser, it became a *rent-charge*, and then it might be recovered or enforced, either by action or by distress. Such a stipulation is found in the conveyances we are now considering. Under these conveyances, the rent is a *rent-charge*. The purchaser has agreed, in case of his failure to pay for his land, as the stipulated payments fall due, that his grantor and creditor may distrain his property on his premises—may take such property away, and sell it at public vendue, for the satisfaction of his debt. But in all this there is no property in the soil reserved to the grantor. The grantee has it all, as much as if no rent had been reserved. He has contracted to pay a debt, by deed, and he has given to his creditor a right to take his personal effects in pledge and as security for the payment, with the right to make the debt out of them if he can. So far it is, in substance, a personal mortgage of a peculiar legal character. The pledge, or right of distress, is given, and left to be pursued under the existing regulations of the law in regard to it—regulations which now carefully guard the debtor against oppression or injury in the exercise of the right. In the cases we are considering, the right of distress rests, as we have said, in contract, under legal regulations; and it is no more than the universal right which exists in the New England States, in reference to all debts, without any special contract, under their law of attachment on mesne process. There, they not only do not abolish distress for rents, but they give, in effect, a right of distress for all debts. They probably do not regard it as a wrong, that unwilling debtors should be compelled to pay. The law holds the property of debtors liable to be taken in pledge, or distrained, for their debts. And this is no impeachment of the title or ownership of their property; though it is just as much so as, in the cases before us, the

rent reserved, with the right of distress, is an impeachment of the full right of property which these purchasers have in the soil which has been conveyed to them.

But there is another feature in these conveyances which must be considered. There is a provision to this effect: That in case of failure to pay the rent, and the want of sufficient distress to make the rent out of, and in case, generally, of a failure on the part of the grantee to keep and perform his covenants contained in the deed, a right of *reentry* into the lands accrues to the grantor. One of the covenants is for a right of preemption to the grantor, at the grantee's own price, if he is minded to sell. Here, undoubtedly, is a stringent provision. The purchaser, in effect, pledges his land to the faithful performance of his covenants. His title and ownership are in no degree impaired. The whole estate vests in him, and forever; but he imposes a heavy penalty on himself, in case he fails to keep his agreements with his grantor. Every mortgager of lands does much the same thing. He is liable to lose his land. By this provision there is a possibility—depending, however, wholly on himself—that his estate may be defeated. This is, in law, a "condition subsequent." If, however, the forfeiture is incurred by the non-payment of rent, the law interposes in his behalf, and gives him a reasonable time to redeem his land, by the payment of arrears. The law comes to his aid where mere negligence or misfortune may have led to the forfeiture. And in no other case can he incur a forfeiture but by the direct, voluntary *commission* of some act in the face of his own contract. Undoubtedly, these conditions, annexed to estates in fee, (and they are annexed also, commonly, to estates held under leases for life, or for long terms,) are sufficiently severe, if rigorously enforced. The law does not regard them with favor; and custom and conscience are, and long have been, opposed to a rigorous or harsh exaction of them; and where such exactions have been attempted, in times past, Chancery has gone as far as it could to relieve against them. In practice and effect they are, in truth, at this day, (except in rare instances,) extreme remedies reserved for extreme cases. At any rate, they have been so, as far as we can learn, among the freeholders of Albany and Rensselaer, and generally where the Anti-Rent excitement has most prevailed. If there has been a single case of just

complaint on this ground, it has not met our eye, or come to our knowledge.

What we have now said is enough to show the true relation subsisting between the parties to these conveyances; and the sum of the matter is this: These farmers are owners of a freehold estate of inheritance—an estate in fee simple. Nobody owns their farms, or has any part of the ownership, except themselves. Having contracted to pay for their farms by an annual sum, they have, in effect, pledged their land as security for the faithful performance of this and other covenants. But they are in no wise dependent on the will or favor of their grantor or his heirs, for the perpetual enjoyment of their estates. Their estates are inheritances to which their heirs may succeed. They may contract debts on the strength of them. They may dispose of them, at their free will and pleasure, by devise. They may sell and convey them as they please, only giving their grantor a chance to become the purchaser—a condition which, we learn, has never, in a single instance, been insisted on. They hold independently, by deeds of conveyance, and not by leases. They are not tenants in the sense they would be if their estates were limited and leasehold; nor is their grantor a landlord in the sense he would be in that case. As a person entitled to an annual payment issuing out of land, and technically called rent, he is embraced in certain statutory provisions under the name of landlord; and in like manner these freeholders, though owning the fee, may be called tenants in legal parlance, inasmuch as they are persons owing rent, and hold land which is subject to rent. In no other sense does the relation of landlord and tenant exist between the parties to these conveyances, and whenever they are spoken of as such, this distinction should not be forgotten.

An idea has prevailed extensively that the "Manor" lands must be held by what are called feudal tenures: with some a very honest idea; with others not so honest. It is a capital in trade much relied on by some, to talk of "manorial" rights and privileges, of the "lord patroon," or the "lord proprietor," and his "vassals," the tenants. We have seen already that the farmers in Albany and Rensselaer counties, in reference to whom the complaints have been loudest, cannot well be called vassals or serfs to anybody, unless independent freeholders are

such; and they have been freeholders, and feeholders, from the hour they set foot on their lands under their present titles. The "patroon," after the Revolution, whatever he might have been before, was simply the owner of a large tract of land. Others have owned larger tracts in this State, since the Revolution, out of all comparison. Phelps and Gorham were proprietors, at one time, of nearly the whole of that part of the State lying west of the region of the Cayuga Lake. A company of foreigners in Holland owned more acres in this State, twice or three times told, we think, than Stephen Van Rensselaer. There are several individuals, or families, and corporations, holding, at this day, a reversionary interest in lands in the city of New York—lands paying ground-rents too—of more value, probably, by a great deal, than the "Manor" lands of the Van Rensselaers were ever worth. If the Van Rensselaers are "lords proprietors," we can only say there are a great many such among us. The truth is, that these gentlemen are comparatively small proprietors of lands. The late Stephen Van Rensselaer, as we have seen, sold and conveyed the fee of a great part of his lands in Rensselaerwyck, about fifty years ago. From that day to this, neither he nor his heirs have owned a rood of the lands thus sold, or had any share in the ownership, unless it may have been in solitary instances by re-purchase. There never has been a moment since such sale when they could legally set a foot on those lands without the consent of the rightful owner, or under agreement with him. What they have owned, and do own, is a debt due from the purchasers of these lands, for the purchase-money or consideration of sale, and which exists in the shape of an annuity, or of annual profits, and is technically called rent; and which is secured by a pledge, first, of the personal effects of the debtor on his premises, and next of his land. If there is anything "feudal" about this, then every pledge of personal property, and every mortgage of real estate, as security for debt, is feudal. The debt in this case is a very moderate annual interest upon the value of the lands, as a capital or principal sum, at the time of the sale, or at the time when payment was first demanded. As it is in the light of purchase-money, it is secured on the land; and as the principal sum is never demandable, the interest is perpetual—or at least, until,

by agreement of parties, a principal sum shall be paid. We know of nothing in the payment of interest, or in the payment of rent, which makes a man a vassal. If it be so, every corner in the State is crammed with vassals. And we know of nothing about the receipt of interest, or of rent, which makes a man a lord. If it be so, they are as plenty as blackberries.

In other parts of this State, a very common mode of disposing of lands by proprietors, and by the State itself, has been to give to settlers, or purchasers, what are called Contracts for Deeds. Settlers take possession under these contracts, and make their improvements, and bring the lands into cultivation. They have no title; that rests with the proprietors. They obligate themselves to pay the purchase-money of the lands in annual installments, in a certain number of years, and to pay annual interest on the whole sum remaining unpaid. This annual interest is in the place of rent, and calculated as it is at seven per cent., it is not a very light rent. On a failure to pay the principal and interest, as they fall due, or any part of either, the occupant is liable to be turned adrift from his farm and his improvements, with little ceremony or delay. Under this kind of arrangement, the greater part of the lands in the western and northern parts of the State have been, and are being, taken up and settled. Here, it will be seen, the proprietors are at once the owners of the lands and of the debts due upon them. The rule has been, not to give title except on full payment. If any change has been made, it has been by giving title, and taking back mortgages, in some cases where, by improvements on the lands and partial payments, the security would be deemed ample. We have ourselves seen personally something of the operation of settling a new country under these land-contracts. We are sure there was nothing "feudal" in the case, and yet we are sure the settlers, in a thousand instances, would have been glad to have changed places with the freeholders of Rensselaerwyck. Often-times, the lands were not permanently settled till wave after wave of temporary occupants, in a long succession of years, had passed over them. Not one in twenty, we think, if half as many, of those who first took up these lands, ever became the owner of the farm he occupied, or found a permanent home where

he first took up his residence. And this was no fault of the soil, for the sun never shone on a better. It was the case of men going into possession of new lands which they could not pay for, and which they were obliged to leave. The proprietors could not give them the land, and would give them no interest in the soil till it was paid for. Indebtedness, under a heavy interest account, often increased faster than the profits from new lands remote from markets. In short, the proprietors—the "lords proprietors," if anybody chooses to call them so—were rich, or deemed to be rich; and the tenants—their vassals, if anybody chooses to call them so—were comparatively poor, and often in debt beyond redemption. There was, at any rate, quite as much lordship, and quite as much vassalage, in this case, as existed in the "Manor" of Rensselaerwyck, and often a great deal more hardship and strict dealing. It is always a hardship for a man to want a good farm, and not have the means of paying for it; and this is felt the more if he has been allowed to occupy and improve a farm, and live from the profits of its cultivation, for many years, without paying the owner the first farthing for it, or for the use of it. This grievance has been strongly felt, at times, among the settlers on some of the lands west of the Genesee. They, too, have talked of repudiating. It was not "Anti-Rent" with them; but, like others elsewhere, they were *for* the land, and *against* the payment. As they could not set up feudalism in the case, they set up something else. The land offices were their particular abomination; and agreeing among themselves, first, that the title of the proprietors was doubtful, and next, that it was best for them to keep the lands at any rate, and refuse payment, unless, perhaps, on their own terms, they made ready for war. In the winter of 1836, they marched, in force, on a land office at Maysville, in Chautauque County, demolished it, destroying many of the books, and put the agent to flight. In the spring, at daylight of a May morning, about two or three hundred, armed with every sort of deadly weapon, marched into Batavia, prepared to do their will on the land office at that place. They found nearly the entire adult male population of the village, armed with muskets well loaded with ball, under the direction of the sheriff, ready to receive them. This prompt and spirited conduct

and resistance put an end, at once, to any farther attempts at this mode of settling with land offices in that region. But the hostile spirit was not subdued. Last winter the sheriff was resisted in Cattaraugus by an armed force, when attempting to execute a writ of possession. The writ was against a man who had taken a contract for his farm of 150 acres in 1821, nearly a quarter of a century before, when he had paid one dollar. He paid neither interest nor principal till 1837, when he was induced to take a new contract, and pay *fifty dollars*; and after that he utterly refused to pay any more. He had a most valuable farm, for which he was required to pay, principal and interest, at a rate rather below than above the value of new land. And this was regarded in that quarter, quite extensively, as a case calling for sympathy, if not for violence. The truth is, and it is only too apparent, that it is not that particular form of indebtedness for land which is called rent—it is indebtedness *for land* in any and every form—which makes the trouble. The agrarian spirit of the times is alive with a special hostility to this indebtedness. The claim is for land to every man without paying for it. Property in land, beyond what a man can personally occupy and cultivate, is especially denounced; and so is property, or debts, due for land. It is denounced as monopoly, it is branded as “feudal,” and inconsistent, therefore, with “the spirit of our institutions.”

We think it not unimportant to put to silence, so far as truth can do it, the customary clamor in which many persons indulge about feudal tenures in the “Manor” of Rensselaerwyck. Many, we doubt not, are deceived; but some, who use this “argument” most freely, must know better, or they ought to know better.

It is a settled rule in New York that all valid individual title to lands in the State, is derived either from the State, or from the crown, or royal government of the Colony, previous to the Revolution; and such title must be verified by patent. The reliable title of the Van Rensselaers to the lands of Rensselaerwyck, though their ancestors had had the possession and ownership long before, dates from a patent under James II., in 1685, confirmed by a patent under Queen Anne in 1704. James had his title to lands in New York by grant

from Charles II., which expressly declared that they should be held “*in free and common socage, and not in capite by knight-service.*” The same tenure was declared to be that by which the Van Rensselaers should hold, in the patent to them. Previous to the time of the grant from Charles II. to his brother, a statute of the realm had been passed which had, as Chancellor Kent remarks, “essentially put an end to the feudal system in England, although some *fictions* (and they are scarcely anything more) founded on the ancient feudal relations and dependence are still retained in the *socage* tenures. In 1787, an act to the like effect, but more extended, in respect to the incidents of socage tenures, was passed by the legislature of New York. It was scarcely necessary to have done this, since it is clear that not a trace of the military tenures of the feudal system, nor any of the more burdensome incidents of the socage tenures, ever existed here at all. It was done for abundant caution. And, at any rate, from that date, although socage tenure was nominally retained, yet not a mark of its feudal incidents remained, except such as were, in effect, pure fictions. The only incidents retained were, fealty, to be enforced by distress, and the *holding* of a lord or superior; and these were merely theoretical. If they were ever resolved into any practical meaning, it was, that socage lands were *held* of the people of the State, as the “*lord paramount*,” and that fealty was identical with allegiance, which was due to the State. But this is not all. Since 1830, by the Revised Statutes, not even the name or theory of socage tenure any longer exists in this State. All lands are declared to be *allodial*; i. e., all estates in them are enjoyed in absolute right and ownership, and nothing like the shape or shadow of a feudal tenure or incident remains.

Under such a state of the law, it is a little difficult to understand what persons mean when they talk, at this day, about feudal tenures in Rensselaerwyck, and manorial or baronial rights and privileges enjoyed there. The title of Stephen Van Rensselaer was a title by patent; that is to say, a title by deed of conveyance, recognized by the People of the State after the Revolution as valid. It was just such a title as every man in the State has who holds land by deed, and there was not a right or a pri-

lege of any sort or kind attached to his estate which does not belong now to the property of every land-owner. Every man who owns a farm, or a potato patch, or a spot of ground only big enough to bury him in, owns just such a "manor," except in territorial extent, as Mr. Van Rensselaer owned after the Revolution, and is just as much of a "baron," or "patroon," or "lord proprietor," as he was, or as his heirs are, so far as rights and privileges are concerned. And when he conveyed lands to others, such conveyances were contracts, which meant just what was expressed on the face of them, and nothing more; and they were just such contracts as any man owning land, or purchasing land, anywhere else in the State, might have made, or might now make. They were mutual contracts; they bound both parties; and no relation existed between them except what the mutual obligations of the contracts established and expressed. Both parties stood upon their contracts, and, as contracting parties, they stood before the law of the land upon a footing of perfect civil equality. And when a purchaser once had his farm under his contract, he was as much of a "lord proprietor" as his grantor. He was as much entitled to demand the rites of "vassalage," and "villein" services, incident to feudal relations, of Mr. Van Rensselaer, as Mr. Van Rensselaer was of him. If *homage* was due, or *aids*, or *reliefs*, or *fines*, or *wardship*, or *marriage*, or *escheat*, or any other arbitrary or oppressive demand, such as existed in feudal times, as the necessary accessories, aside from all special contract, of tenures in land, we repeat, they were as much due to every occupant in Rensselaerwyck, as to Mr. Van Rensselaer. And if these did not exist, then we know of nothing in or about the relation between Mr. Van Rensselaer and the purchasers of his lands which can be called feudal, without an abuse of language, and a stupid confusion of ideas.

But, it being admitted that nothing can be exacted of the freeholders of Rensselaerwyck except on their own voluntary contracts, it is still insisted that even in the position and relation in which they have placed themselves by the terms of these contracts, there is something oppressive, injurious and degrading. If not exactly "feudal," it is something about as bad. Let us look into this matter, with a little particularity.

The first thing then objected to is the obligation to pay *rent* for land. Rent of any kind—rent as such—is denounced as feudal—a tribute to a lord—a badge of servitude—an oppression—a degradation—a thing inconsistent with "the spirit of our institutions!" A very large proportion, taking cities and country together, of those who occupy houses or lands in the State of New York, pay rent. Thousands upon thousands who have the abundant means of owning the houses and lands they occupy, yet choose to live in hired houses, or on hired lands. We have known men of great wealth, and with families, who have scarcely ever in their lives lived in their own houses. As a general rule, in cities, it is more economical to hire dwellings than to build or buy them. And there are tens of thousands of persons in this State who pay rent for houses or lands because they have not the means, or cannot spare the means, to purchase and pay for them. And what *feudalism* is there about all this? In truth, does this denunciation of rent mean anything more or less than what is openly proclaimed by many "Anti-Renters," and their coadjutors, having organized associations under other names—that "*the land belongs to the people, and every man is entitled to his share free of cost?*"

It must be remembered that there is not the slightest difference in principle, considered in the light of a payment for land, or for the use of land, between the cases of rent payable on houses for one year, or for twenty-one or ninety-nine years, or for life, and rent payable for lands held in fee. In either case it is the consideration contracted to be paid for land, or the use of land, to him who is, or was, the owner. The holder of lands in fee has this advantage, that he is the owner and lord of his own soil. We certainly think he would be wiser, if he had the means, to extinguish his rent by paying a commutation, or equivalent principal sum—which, we believe, any such holder of lands in Rensselaerwyck may do at his option. But, until this is done, like other rent-payers, he occupies, and makes his profits out of, lands which he received from another who was the owner, and the capital value and price of which he has never paid, nor any part of it. This is his condition and relation year by year, and is as much his condition in the fiftieth year of his occupancy as it was the first year he took possession. In the fiftieth year he is still occupying land the capital price of which

he has never paid, and the yearly value of which, estimated in rent, according to his contract, he is as much bound to pay, legally and morally, as the tenant of a year is bound to pay *his* stipulated rent. Nor (especially, supposing it to be at his option all the while to buy off the rent) is there more degradation, or tribute-paying, or feudalism, in the one case than in the other. It all resolves itself into this solemn alternative question, when the payment of rent is objected to in either case: Shall no man occupy houses or lands except such as own and pay for them in full value? or else, shall every man have his house, and land enough for his use, free of cost? This is the practical issue. This is the practical significance of the Anti-Rent cause and movement, in the hands of those who desire, and mean if they can, to push it to extremes. Let those who would pause at such conclusions, consider well what meaning and consequence *they* attach, or wish to attach, to a popular crusade against rent. If rents are to be repudiated in the case of lands held in fee, or for life, or for long terms, why not also where they are held for short terms, and the shortest? And if there is to be no *letting* of lands or houses, what are they to do—the vast numbers—who cannot buy? What is to become of that large and respectable class of farmers, who live, and live well, and support respectably, and often handsomely, large families, by occupying and cultivating hired farms, at fixed yearly rents, or, as is often done, at the cost of one half the yearly products? And those who desire more permanent homes for themselves and families, and therefore take lands on lease for a term of years, or for life, because they cannot afford to buy, and who thus surround themselves with every comfort and enjoyment—who live contented, virtuous and happy lives, and rear and educate respectable and thriving families, and lay the foundation, oftentimes, for wealth and distinction in themselves or their children—what is this numerous class of persons to do, if there is to be no letting of lands or paying of rents? And then look into our cities and large towns. See the great body of the active, business men—those with whom rest the enterprise and energy of life in those places—the merchants, jobbers, dealers, the mechanics of every class—nine-tenths of all of whom, it is believed, occupy stores, shops and places of business, to say nothing of dwellings,

which they do not own, but hire. What are they to do? And what is to become of the multitude of workmen and laborers of every grade and in every capacity, who have families, and must have homes and a shelter, without the possible means of paying for them, except in weekly or yearly rents? How long could any large city exist without a system, and a very extended system, of house and shop letting, and of rent paying? Would it last a day without depopulation and ruin? Or if, in the other alternative that has been named, every man is to have his house and his shop free of cost, how is the allotment to be made, at present, and by what magic are future dwellings and shops to rise, free of cost, as numbers increase, and farther accommodations are required? Surely, surely, there is a deeper and more fearful aspect to this question of rent or no rent, than the philosophy of "Anti-Renters" has dreamed of. Let them look through the Anti-Rent regions themselves—those disturbed, agitated, distracted, half-ruined districts of country, as some of them are, but once peaceful, prosperous and happy: what this movement has done for them, so far, we know; and what does it promise to do for them? Let the alternative of rent or no rent be presented. If it is a degradation, an injury and a shame, to pay rent, then say it must cease. And what next? Either a principal sum must be paid for the lands, or the occupants are to have them from this time without cost. If payment in chief is to be made, it must either be made in hand, or a debt is to be contracted in another form. It will not be rent, but it will be principal and interest instead of rent, and a mortgage on the land—a thing assignable at any hour, to any hard-faced money lender, or yellow-visaged broker, in a far-off city or country. And how long will he wait for principal or interest, when it falls due? How much better off will the farmer be in his hands? How much surer will he feel that he has a friend in his creditor, and that his farm will be safer under mortgage than under rent? And how many are there among the freeholders of Rensselaerwyck who are really ready to try this experiment? How many are able and ready to pay a principal sum—the fair value of their farms estimated according to the value of the rent—and pay in hand? Some we know are able; for there are men of large wealth among them, who still choose to pay and do pay rent, and, albeit, are very

hot "Anti-Renters." Some will pay the principal, as many have paid before. But a vast many more, we apprehend, though perfectly able to pay the price, would still prefer the rent, if they must pay either; while a still larger number would shrink from the price as something too formidable for them yet to undertake, or perhaps quite beyond their ability. And what shall they do? The rich can buy, or pay rent, as they list; but the poor, or the men of moderate means—they must not pay rent, because that is a servitude! and they cannot buy. The alternative is, that every man who cannot afford to buy, must have his land free of cost. And to this complexion comes the Anti-Rent creed at last. It is repudiation of debt, because it is debt due for land, or for the use of land, and because every man is entitled to his proper share of land, free of cost! How long a fine agricultural district of country, like Albany, Rensselaer, Columbia, Delaware or Schoharie county, could stand this beautiful experiment in agrarianism—how long the schools, academies and churches would be maintained—how long those who have farms which they have paid for, or are paying for, and houses which they have built, would be allowed to keep them in the face of a growing population, addicted to the luxury of good lands and houses free of cost—how long such a district would continue civilized—we commend to the profound consideration and inquiry of those among us who seem to condemn the violent demonstrations of "Anti-Renters," but who yet profess to see a great deal of merit and a great deal of wisdom in their cause.

The denunciation of rent as a badge of servitude—as having the savor of an odious feudalism about it—springs, no doubt, from an honest prejudice in some; though with others it is the result of a deep calculation and a malignant spirit. It is to those who are honest, but deceived and mistaken, that we wish to address ourselves. A man may make a slave of himself by fancying that he is one, while all the while he is free as Heaven can create him. It is quite wonderful to think what a herd of born thralls the city of New York contains, without a soul being conscious of it—that is, if those are thralls who pay rent on lands held for long terms, or for life, or in fee. We do not speak now of the vast numbers who pay rent in the city under short leases; we speak of entire districts and sections of the city—once ex-

tensive farms and country-seats—now constituting some of the very best and richest portions of the great metropolis, covered generally with buildings of the better or the best class, for business or for residence, often with costly and magnificent structures—all paying an annual ground-rent to somebody—to a comparatively few individuals, or individual families, or to religious and other corporations. Misery, they say, loves company. Let any countryman, any plain farmer among the rent-payers, who feels as if he wore an iron collar and chain, and was somebody's serf, go to the city of New York if he wishes to console himself by good companionship in the sort of wretchedness of which he is the victim. Beginning pretty far down, let him take a look at the walls of some of those very lofty structures along Broadway on the east side, from Maiden Lane to the American Museum, and then at the district eastward of this base line, glancing down Maiden Lane, John and Fulton streets, into William and Pearl. This is one section, a large part of which is under ground-rent. Turning down Barclay street, he will find some fine structures on the north side of that street, and more of them in College Place, standing on ground belonging to a "lord of the soil" to whom a "tribute" of rent is paid. The same "lord of the soil," a corporation, too, which spends its money in nothing better than teaching boys Greek and Latin—takes "tribute" from a considerable part of the entire district between Barclay and Murray streets, and extending from Church to Washington street. Our visitor may now look through another considerable section of the city, mainly under ground-rent, immediately above the last. This section begins with Murray street on the south, and taking a breadth east and west which will include Varick street, Hudson and Greenwich, sweeps over Warren, Chambers, Reade, Duane, Franklin, Laight, Canal, Spring, Charlton, Hammersly, up to the neighborhood of Christopher street and Greenwich Market on the north, more than a mile and a quarter from the beginning. He may then contemplate that region of regal magnificence and splendor, taking in Broadway on both sides, from Astor Place to Tenth street, embracing Eighth and Ninth streets, and part of Tenth and Waverly Place, and extending to the Bowery on the east and to the Fifth Avenue on the west. This

is another section under ground-rent. He will find another section, much of it under ground-rent, beginning at Washington Square on the north side, west of the Fifth Avenue, extending into Sixth Avenue, and running from Eighth up to about Fourteenth street. Passing over to the Bowery, and taking that street from Eighth to near Thirteenth for the western boundary, he will come upon another district, by far the greater part of which, so far as it is yet filled up, is under ground-rent. It has Stuyvesant street on the south, takes in the first three Avenues, running northerly up to Twentieth street on the Third Avenue, and up to Twenty-third street on the First Avenue. Coming down to the Seventh Ward, he will find himself in another considerable district, where "tribute" is paid by the owners and occupants of some superb edifices. This district extends from Division street on the north to the East River southwardly, and from Catharine street on the west to Montgomery on the east; embracing East Broadway for half a mile, Henry and Madison streets and Rutgers Place, with Market, Pike, Rutgers and Clinton streets. This is not all by a good deal; but what our countryman has now seen may do for the present. He will naturally desire to know who are the "lords proprietors" in these cases; and he will find that the rents are payable sometimes to very rich individuals, or families—sometimes to those who may not be very rich—sometimes to corporations, religious, literary, or charitable. If he will step over to Staten Island, he will find there, in comfortable quarters, at what they call the Snug Harbor, a company of battered and worn-out old sailors—whom he may call "knights" and "barons" if he will—who are the actual beneficiary "lords of the rent," payable from one of the largest of those unhappy districts which he has inspected. But what will most deeply concern him, will be to know who and what those are who pay these rents, and who are the miserable victims of this feudal oppression. Well, he can see them everywhere; in their busy factories, in their beautiful shops and counting-houses, in their comfortable dwellings, in their noble mansions, in their splendid equipages. There are some thousands of city lots, actually occupied, and with buildings on them, many of them of the most costly description, paying ground-rent. The landlords

own the soil, and the lessees or tenants have made the improvements. Many who transact the largest and most profitable business, and are heaping up untold riches, and occupy their own houses and buildings, pay their annual "tribute" of ground-rent. All classes and orders pay it—except the poorest. Many who have built for themselves the most superb dwellings, and live in them in a style of princely splendor, pay it. And all this goes to show what this system of rent-paying and "serfdom" is capable of! The richest man in the city, and who is also one of the very richest in the world, pays his ground-rents under a lease which authorizes his landlord to reenter and possess the lands if the rent be unpaid for thirty days after any payment becomes due. He ought to be the very prince of "Anti-Renters!"

But we are aware that, aside from the objection made to paying rent at all and on any terms, the contracts under which rent is payable in Rensselaerwyck, are objected to also on account of some particular provisions which are peculiar to these contracts, or are imagined to be so.

The rent is payable in kind—generally a fixed quantity of wheat, four fowls, and a day's work by a man and team. That this should sound oddly in the ears of commercial men, who measure everything (almost) by a money standard, would not be surprising; but we cannot understand why it should grate harshly on the ears of farmers. It was land that was conveyed—farming land—and the rent reserved, though no part of the soil, yet, in legal contemplation and parlance, it was something "issuing out of the land." According to old-fashioned notions, the proper return for money was money—in the shape of interest; the proper return for land was the produce of land—in the shape of rent. It was not, at least, an uncommon or extraordinary thing. The patents by which the Van Rensselaers themselves hold, reserved an annual rent of "fifty bushels of good and merchantable winter wheat;" and after the Revolution this rent was payable and paid to the State, until a release of it was purchased. The true reason for reserving rent in kind, instead of a money rent, when it was to be perpetual, was, that that was the only mode of preserving the rent at anything like a uniform value. Adam Smith shows how much better rents in corn have kept their value than rents in money. The State

of New York, in instituting a University, desiring to limit its annual income for all time, fixed the amount at 40,000 bushels of wheat, instead of 40,000 dollars. If the Rensselaerwyck rents had been reserved in money, the value intended by the nominal sum would have been diminished nearly one-half by this time, on account of the augmented amount of money and circulation. By taking wheat as the standard, there was a chance of preserving the value. Nor is the tenant injured. The rent, in value, ought to bear the same proportion now to the value of the land at the time the rent first became payable, as it did then. If 100 acres then was worth 500 silver dollars, and the rent was two per cent., or \$10, and if it takes 750 silver dollars now to be equal in value to 500 at that period, (and it would take more than that,) then two per cent. on \$750, or \$15, would be the true money value of the rent now. If the money value of wheat had advanced since that period, in a ratio just equal to the depreciation in the value of money, the rent would have preserved its value; but it has not, and this is the purchaser's gain. In fact, the average money value of wheat in the first ten years after rent became payable on these leases, was greater, owing to peculiar causes, than it has been in the last ten years. But, at any rate, a bushel of wheat makes the same quantity of flour and bread now that it did then, and it takes about the same quantity of land and labor to produce it. Its intrinsic value is little changed. And the same thing is true of poultry and the labor of a man and team.

These rents have not, we believe, ever been exacted in kind. They have been thus received when it suited the convenience of the payers, and always received by commutation in cash, or in cattle, horses, and other grain than wheat, at the most liberal prices, when that was most convenient. If the lands have not produced wheat, they have produced something else instead. It was never agreed or understood that, if a farm was not good for wheat, or the occupant did not choose to raise it, no rent was demandable. In practice we know that cases were constantly occurring where rent was not demandable, or was not demanded, by the late Stephen Van Rensselaer. He never ground the face of any poor man; and he left it as a perpetual legacy in his will, in behalf of the poor

who might be indebted to him, that their case should always be mercifully and indulgently considered by those who should deal with them under his authority.

But other complaints have been made of these contracts. They reserved all mines, and all water rights and sites for water-mills. It will be time to consider the grievance in regard to mines, when anything of the kind shall be found in the Rensselaerwyck lands; though we may say, in passing, that it was farmers, and not miners, that Mr. Van Rensselaer undertook to supply with lands. Nor was he dealing with millers, when he was conveying farms to agriculturists. What he didn't choose to sell to them he reserved from sale. But if he did not sell the farmers mill-sites, he did better by them. They were then poor, and unable to erect mills for themselves. By a proper use of the water, where it was to be found, and in judicious locations, often by advancing his own capital for the purpose, he took care that they should be supplied, from a very early day, with convenient and good mills. The reservations of water, in the deeds, were nominal merely, in a hundred cases to one. It was a very rare case, if a farm, as laid out and deeded, covered a mill-site, or would be affected in any way by the erection of mills. If it would, so much land was reserved, and rent was abated accordingly. Where mill-sites were known to exist, they were reserved from general sales, and land enough for their use, and put out on special terms. We believe this was a benevolent and wise precaution, for the common benefit; and, at any rate, after much inquiry, we have not been able to learn that a single instance of real injury or hardship to any owner of land in Rensselaerwyck has ever occurred in consequence of these reservations of water, or that any case has ever been named as forming a subject of complaint.

Another thing has been complained of, and more complained of, perhaps, than almost anything else, and with a greater *show* of justice. This is the reservation of quarter-sales, along with the right of pre-emption. This provision was prompted, we suppose, by two considerations. One of these was, to secure the exclusion of dangerous or improper and unprofitable intruders into the society of the free landholders of the "Manor." This was useful to both parties. It is a common provision in leases for long terms, that

the lessee shall not sell or underlet without the consent of the lessor. This is found, we believe, in all the leases in the city of New York, to which we have alluded. But another reason for the reserved right to quarter-sales was, that it was a part of the consideration for the sale and purchase of the premises. The rent was exceedingly moderate—not two per cent., taking the average, on the value of the farms when the rent first became payable. As Mr. Van Rensselaer took measures to throw at once into the "Manor" a large body of enterprising freeholders, it was natural to expect, as the result of that policy, that there would be a very speedy and considerable rise in the value of the lands. His object was to encourage farmers, and not speculators, and he wished them to make permanent homes for themselves. But there would be restless spirits among them, and if their restlessness could not be wholly restrained, it might be checked; and if, after all, some would take advantage of the first rise in the general value of the lands, and sell their farms, there was no reason why they should be allowed to put the whole profits in their own pockets. A portion of it, in all fairness, might be claimed by Mr. Van Rensselaer, who, by his policy in bringing the lands generally into speedy cultivation, had given every farm an increased value, while he had left himself no chance of increasing his rents in the like proportion. As a provision, therefore, applicable to the earlier period of occupancy, we do not regard it as injurious or improper. When time had elapsed, and the value of the farms had become fixed, or after one or two changes of ownership and possession, then we think, most clearly, that any rigorous execution of a claim to quarter-sales might have been unjust and oppressive. After a new owner had come into possession, having paid the full value of the property, if he should have occasion to sell again for the like value, we should envy no man his conscience or his character, who, under this provision, would take from him the full quarter part of the purchase. We are assured, and believe, that no case of the sort has ever occurred, and none is likely to occur. We cannot ascertain, upon diligent inquiry, that in any case whatever of agricultural lands, from the earliest period down, the full quarter-sale was ever exacted. In the best parts of the "Manor," where, as it happened, the rents were the lowest, and where farms

became very valuable at an early day, the late Mr. Van Rensselaer always allowed this claim to be satisfied by receiving, not to exceed in any case, *one-eighth* of the quarter which he might have demanded. In other parts of the "Manor," as in the four hill-towns of Albany county, nothing, beyond the merest trifle, was ever received. In 1832, a proposition was made to him, through a committee from these towns, that the owners of farms should be allowed to compound for the quarter-sales, in all cases, by paying thirty dollars, which was readily accepted. The price for this reservation has stood at this sum ever since—a price named by the occupants themselves, and declared by them, at the time, and often since, to be perfectly satisfactory. We cannot but feel, then, that there is not, in this provision, any reasonable ground of complaint at the present time. We find, taking the two counties of Albany and Rensselaer together, that not more than *one farm in four* is now subject to quarter-sales; and of all these there is not one but may extinguish this claim, at any moment, for a very trifling consideration—except, perhaps, in a very few cases where the rent reserved is nominal, and the quarter-sale was the only valuable consideration for the deed.

And this is the proper place now to say, and we wish to call the special attention of our readers and the public to what we here say, that all along, and in the midst and in the face of all the excitement, violence and bloodshed which have characterized the recent outbreak of hostility to rent, there has been no time when any one, or any number, of those who were held to the payment of rent, might not have relieved themselves from it, and from every other provision and covenant in their deeds, on terms which nobody could pronounce severe, oppressive or unjust. We know this has been so in Albany County, where the first examples of violence were set, and we have no reason to suppose it has been otherwise elsewhere throughout the Anti-Rent region. We say nothing about the *moderation* or *liberality* of the terms—though we think those we have lately seen published from Stephen Van Rensselaer of Watervliet, are both moderate and liberal. But it is enough, we think, when we have to meet a case of almost unexampled public violence and outrage, committed in the very heart of

the country, and for which not the slightest apology has been attempted to be offered but what rests in the plea—false or true—of hard bargains and oppressive exactions under them—it is enough to say, and repeat, as we do, after the fullest consideration, that the terms offered and held out continually, of complete relief and full discharge from those contracts, have not been severe, oppressive or unjust. Take the case as it stands in Albany County, in which the troubles commenced; and let it be remembered that the burthen of complaint has been, first, against rent—not because it was not a debt contracted and due, but because it *was* rent, or rent in perpetuity—and next, against its particular incidents and accessories in this case. Well, there is not one alleged ground of dissatisfaction—real or imaginary—which might not be removed, at any moment, at the will of the complainant. Is it rent in kind that he objects to—the day's work, the poultry and the wheat? It can be turned into a money rent at any moment, at his simple request, so that it shall stand at a *less sum* than the average money value of the rent has been for forty years past. Is it the quarter-sale that he objects to? (and it is only one in four that can raise this objection.) There has not been a day, since 1832, that this claim, in cases where it has been most complained of, could not have been bought off forever for thirty dollars. Is it the reservations of mines and water that are objected to? The complainant knows very well that it will cost him nothing to buy off a right which has no real existence. Is it the pre-emptive right that he objects to, as an ungracious restraint on his freedom of will and power of alienation? This would fall at any time, on buying out the quarter-sale, simply on condition of his undertaking to give due notice of any sale, so that the owner of the rent might know who had become his debtor for it. Finally, is it rent, *as such*, or rent in perpetuity, that he objects to—this particular form of indebtedness, with the pledge under which his personal effects and his farm lie for the payment? And does he desire to buy off the rent, or change the form of the indebtedness? He may do either at any moment. He might have done either at any time in the last six years, on terms in no degree unjust or oppressive. At any rate, he may now do either on terms the most liberal. We

wish to state, for the understanding of all, what these terms are, as we find them in a recent public card from Mr. Van Rensselaer, at Watervliet. Having bought off the quarter-sale for \$30, and provided for any rent in arrear, the occupant may buy off the rent and *all the covenants and reservations* in his deed, for a principal sum, which, at six per cent., would yield an interest equal to what the rent would be by estimating the wheat (the main item) at *one dollar* the bushel. Now, the average market price of wheat at Albany, for forty years past, has been a fraction less than *eleven shillings*; and for twenty years past it has been a fraction less than *ten shillings*. On a farm paying $22\frac{1}{2}$ bushels of wheat, with the four fowls and the day's service, the average rent, strictly computed, for the last twenty years, has been *thirty dollars, twenty cents*, and a fraction over; and taking forty years together, it has been *thirty-three dollars, five-and-a-half cents*. It is now proposed to call the rent on such a farm just *twenty-five dollars*, and to take such a principal sum, on the outright sale of the rent and all reservations, as, at six per cent., will produce an interest of *twenty-five dollars*. This principal sum would be (about) *four hundred and sixteen dollars, sixty-seven cents*, or about \$2,60 per acre on such farms. This is a less price, per acre, by more than one hundred per cent., than the average value of the farms in the four hill-towns of Albany County—the least valuable in the whole tract—at the period when rent first became payable upon them. These same farms are now worth an average of *twenty dollars* an acre, after having been depreciated 20 per cent. in value, by the efforts and operations of the owners themselves, in the last six years. Here, then, is one offer of terms. And this is accompanied by an alternative offer; by which it is proposed to call the rent on such a farm \$30,62 $\frac{1}{2}$, which would be estimating the wheat at about the average at which it has been for twenty years past, and then to take a principal sum which, at six per cent., would yield an interest equal to that rent; and for that principal sum to discharge forever, not only the rent, but *quarter-sales and all other reservations and covenants whatever*. It should be added, that on accepting either of these propositions, reasonable time may be had for making the payments. To our plain understanding, we confess that

these offers seem to bring this whole subject of controversy to a single point. That point is, whether private property, existing in the form of rents, is any longer to be held and deemed to be property in the State of New York, and protected and preserved as such under the law? And this presents, of course, a collateral issue of tremendous import—whether private property, in any form, or of any description, can be respected and preserved, if property in the form of rent is sacrificed!

One other objection has been raised to the tenures—so to call them—created by these deeds in fee, reserving rent, which we must notice. It is said that “perpetuities” are created. Rents thus reserved are called rents in perpetuity, because they are reserved forever. But, in this respect, as “hereditaments” issuing out of land, they are just what every title to land in fee is—which the grantee has to himself and his heirs “forever.” In no other sense is the rent a perpetuity. It is a vendible and a descendible property, and it may be devised. The rents in Rensselaerwyck are now held by devise. And the present owners may sell the whole to-morrow to the owners of the fee, or to anybody else. They may create to-morrow as many different owners of these rents, by selling them wherever they can find purchasers, as there are farms under rent. And there is as little ground to say that the soil is held in perpetuity in the sense of property withdrawn from market, or tied up from sale and purchase. Our law allows the power of alienation to be suspended for a limited period; i. e., for two lives in being. But here the power of alienation is not suspended, and has not been for an instant. Any owner of the fee could have sold it at any hour since he has held it, or make any other disposition of it which any other owner of land could do. He could not sell his grantor’s rent, any more than his grantor could sell his fee. But any purchaser of his fee could also buy off the rent—as he himself might do. He can devise his land as well as sell, or leave it to descend by law to his heirs. Or he may convey a less estate in it than a fee—he may lease it for a short term, or a long term, or for life. He may become a landlord, as many an owner in Rensselaerwyck has become, and have a property in rents. But this is too plain a matter to dwell upon. In one sense, it

is true, there is here a kind of perpetuity, and one which, if it were, or could be, rigorously insisted on, would be very naturally deemed a fit subject of complaint. Fee-farm rent is perpetual, as it may depend on the will of the owner of the rent whether the land, or the owner of the land, shall ever be released from it on any terms. That is to say, it depends on his will while he is able to hold the ownership, and to resist all fair or tempting offers to part with it. It is true, it is not in his power—at least under the deeds to which we have referred—to hold any one man his debtor for rent even from one day to another. If he will not sell his rent when his debtor wishes to buy, his debtor can escape by selling the land; though he may be obliged to do this at a sacrifice—just as any man who has a bad neighbor may be compelled to buy him out, or sell out himself, at a sacrifice. Doubtless, in the general estimation, it would be regarded as a serious inconvenience and an evil, that farming lands in this country should have fastened on them a perpetual annual charge, payable forever by the owners of the fee, without the possibility of their relieving themselves from it by the payment of an equivalent sum in chief. It would be an annoyance in the case of any one individual, able and anxious to pay the commutation. In the case of a large community the evil would be increased. And, for ourselves, we would not care to be in the place of any man, who, without any necessity, or any good reason, but merely to gratify the pride of riches, or to feel its power, should keep even one farmer, much more a large agricultural community, in a state of involuntary indebtedness, after the means of full satisfaction had been procured and tendered. We know of no such case. The legal right, however, where contracts exist to this effect, is undisputed, and should be deemed indisputable. Nor is rent the only kind of debt where this sort of perpetuity might be created. An annuity in fee, charged on the person of the grantor and his heirs, would be just such a perpetuity, and just as much tinctured with “feudalism.” We should certainly hope that such perpetual charges, whether on persons or lands, would be little known in the future history of this country; while, at the same time, we would leave every man in this free land to make his own contracts, provided only they do

not infringe on any law of morals or public policy. And we have little fear that any such "perpetuities" now existing, can last long in a country where changes are as rapid as they are in this. Death, and the division of estates, if nothing else, will soon bring them to an end. In regard to the fee-farm rents in the county of Albany, and, we believe, elsewhere throughout the Anti-Rent region, no man owing such rent, and having the means of satisfying it, by paying, or securing an equivalent principal sum, need remain a debtor for such rent for a single hour. This we have seen already. No such person can be an honest "Anti-Renter" on the ground of the "perpetuity" of his rent.

It had been our purpose, as we intimated some distance back, to have taken some particular notice of the manner in which the subject of the Anti-Rent outrages, and the Anti-Rent cause generally, have been met and treated by the community, and by the public press; and also of the course which has been pursued by the public authorities of New York, in regard to the matter. But the space we have already occupied forbids that we should do more, at present, than submit a few general observations, when we must bring this article to a close.

In a matter of such very grave import, where honest and considerate men of all political parties should have but one opinion, as they have but one duty to perform; when a deep-seated and wide-extended popular disaffection and insubordination are seen to prevail, so that the peaceable and regular sway of the law and the legal authorities is broken and lost in large districts of country, for months and even years together, and, in repeated instances, the boldest acts of violence are perpetrated, and treason itself is committed; and when, connected with these alarming demonstrations, we have claims openly presented and doctrines advocated, which strike directly, not at one kind of property merely, but at all property, and tending, essentially and necessarily, to the utter overthrow of all social order, and the ruin of the whole social fabric; in a case of this sort, and of this unequivocal character, it is doubly painful and mortifying to be obliged to speak in terms of reproach or of severe animadversion of the conduct of any of our fellow-citizens, out of the circle of this disaffection, who may have had occasion to exercise either authority or influence in reference to the

subject. Nor is it much that we shall say now on this point. But thus much, as faithful public journalists, we feel bound to say, that, in our solemn conviction and judgment, the high duty of patriotism and of uncompromising fidelity to public obligations, has not always been met in this case as it should have been. High public functionaries have not always come up to the stern demands of this trying occasion. There has been no lack of readiness that we know of, to bring the military power of the State to bear, when violence, insurrection and overt rebellion have been offered or threatened. But how has the *civil power* of the State—of infinitely more importance—how has that been exerted? Has it met this outbreak with that energy and resolution which the case required? Look at the paltry rewards offered for the detection and apprehension of great offenders, utterly unequal to the occasions, and despised and laughed at by the criminals themselves and their confederates. The chief offender in the Andes tragedy has been suffered to go clear. The whole power and resources of Executive authority, open and secret, should have been exerted and exhausted on these occasions. And after all the commendable energy which has been displayed in reference to the Andes affair, where prosecutions and convictions have taken place—but not for treason—has there not been a sort of judicial compounding of offences, which may turn out to be as deep and dangerous an error in point of policy, as we certainly think it was in point of law? But it was error on the side of mercy, if at all, and where every credit seems due for honesty of purpose and the highest judicial integrity, and that disarms us of censure. Our dissatisfaction with the civil authorities has grounds more "relative" than any of these. We know that the strongest encouragement has been taken by "Anti-Renters" generally, from nearly every document which has emanated from Executive sources, in relation to them or their cause. We dare not say—we do not believe—that such an effect has been intended in any instance—God forbid! But the fact is beyond all question. And we do not hesitate to say that much of the responsibility, in respect to the long continuance of this dangerous excitement, the fearful head it has at last attained, and the doubtful promise of its speedy termination, rests in Executive and Legislative quarters. From the very beginning, the strongest sympathy with

the Anti-Rent cause has been expressed from the highest sources, and their petitions, pronounced to be "petitions for relief from tenures, oppressive, anti-republican and degrading," have been recommended to Legislative favor by the highest authority. We think there was in this a great error in judgment. In the very Proclamation of the present Governor, which declares a county of the State in a state of insurrection, "Anti-Renters" are distinctly informed that they have 'A GOOD CASUSE,' and they are warned against the consequences of attempting "to accomplish a WORTHY END by unworthy means!" The Legislature of the State, in more than one instance, through its committees, has tampered with the crimes of "Anti-Renters," by offering direct countenance and encouragement to some of their most lawless and disorganizing doctrines and demands. The most rational of the measures of pretended relief that have been proposed, look more like vengeance towards one party, than relief for the other; and they have had, and are calculated to have, little other effect but to flatter and deceive. It is not, we may add, among the least alarming indications of the times, that portions of both the two great political parties of the country, in the particular quarters where this excitement prevails, have been bidding against each other, in the election which has just taken place, for the support of "Anti-Renters," by open offers, in which principle, honor, patriotism, and country itself, seemed ready to be sacrificed.

We do not admit that that respectable portion of our fellow-citizens who hold lands subject to rent, have any truer or more disinterested friend—when that abused term is rightly understood—in the whole country, than we are. We have spoken severely of the conduct and doctrines of some of those who call themselves "Anti-Renters," as we felt bound to do; but we have spoken more in sorrow than in anger. While we can have no fellowship with offences like theirs or with such doctrines and practices, we can yet most truly affirm that every sentiment of our heart towards them is that of kindness. We know that the great body of them have been the victims of the foulest deceptions by their pretended friends and advisers. We know the influences, almost irresistible, to which they have been subjected; and we know that, under these influences, they have been, and now are, their own worst enemies. For six years

they have been heaping injuries on their own heads. They have greatly diminished the value of their own property, have spoiled their own peace, and brought wretchedness, and sometimes utter ruin, to their families and firesides. We desire to see an end of this folly and this misery. They may rest assured that they cannot, in the end, escape from their lawful contracts. There are too many men of property in this country, and too many creditors, as well as too much principle, to allow debts, in any form, finally to be repudiated. And the idea of forcing creditors, by combinations, delays and annoyances, into heavy sacrifices, is a weak as well as wicked one. We have not a doubt that the condition of the freeholders of Rensselaerwyck, taking a period of forty or fifty years from their first entering on their new lands, under their deeds, ought to be deemed a fortunate and happy one, and would be found so on comparison with any population of equal extent in the State, for the same period of time, entering on new lands and settling a new country, on any other terms. We think the time has now come when they should think of buying off the rents against them, and so ridding themselves of debt. But it is debt, and not rent, merely, which oppresses them—as they would soon find by putting themselves under mortgage, and paying interest. They must make up their minds to pay the principal of their debts. It is time now to do it, or to begin to do it; and now they can have reasonable and moderate terms. With a determined and united effort, we have no doubt that the freeholders of Albany and Rensselaer might sweep off the main burden of the debt now resting upon them in much less than twice the number of years that they have now misemployed in a fruitless, discreditable and criminal war with those to whom they are indebted.

We would that more moderate, more just and wiser counsels might be suffered to prevail among the freeholders of Rensselaerwyck. Here these troubles began, here let them first end. Let them abandon their unlawful combinations. Let them give up their political organizations. They are out of place where mere private contracts are in question. If they really doubt the title under which they hold, let them procure the opinions of two or three of the best men in the whole country, on the subject. A small part, only, of the "Anti-rent Fund" will suffice for

the expenses. We would have them satisfy themselves on this point; though we deem it no very creditable feature in their case, that they have been induced to raise an outcry against a title, which, if impeached, destroys their own—that title being one of the very oldest in the whole country, accompanied all the while by possession, and to which not a human being in the wide world sets up an adverse claim! And there is another topic which they would do well to refer to the opinions of the same advisers whom they should employ to look after the title. We mean the question of taxing the rents. It has been a common thing, time out of mind, in leases and deeds reserving rent, to stipulate for a *net* sum as rent, after all taxes should be paid on the lands out of which the rent issues. Such are the contracts in Rensselaerwyck. There is a covenant for the payment of all taxes by the purchasers, and this was a part of the entire contract for the purchase, and was considered in fixing the amount of rent. Rent is "a profit issuing out of land," and is, as we suppose, necessarily taxed with the land out of which it issues. It is real property, and not personal. Let them take questions of this sort out of the hands of politicians and demagogues. Let them withdraw their private affairs from the public, or from parties, which have nothing to do with them, and are the worst counselors they can have. These are matters of private bargain, and if the two parties cannot agree together, then mutual friends, or arbitration, or the law, should settle their controversies. But we would have those who owe rents keep out of the law, if they can, just as we would have them, by all means, keep out of rebellion. Controversy gratifies passion, and creates misery, much oftener than it brings advantage to any party.

And it is no way to soften creditors' hearts, if they chance to be hard, to make war upon them. If creditors are exacting and severe, and yet keep within their contracts, there is no help for it—except to purchase an escape as soon as possible. Debtors are the equals of their creditors, while they keep the faith of their bargains with them. Dependence and servitude commence when a breach occurs. We want to see those who owe rent, maintain their complete independence. Rent-payers may keep themselves on an equality with rent-owners forever. There may, indeed, be cases where there is an utter inability to pay; and especially where unpaid rents have been suffered to accumulate; but even here, a quarrel with an ungracious landlord, if any such there should be, would only make matters worse, and not better. God help the poor, if they must needs add hatred, and envy, and malice, and strife, to the necessary evils of poverty. It need not be so. Let them try what virtue there is in gentleness and contentment, combined with a frank and manly spirit, as becomes good men and good citizens. If they are oppressed, the world will find it out, and its sympathies, springing warm from ten thousand bosoms, will be quick to console, and quick to avenge them. Let them leave their oppressors, if they have such, to the silent but expressive scorn of a virtuous and humane community, and from which no wealth can purchase an exemption. We believe, that those whose case we have now been considering, have little to complain of or to apprehend on this score. The honest fulfilment of just contracts is what is required of them, and without which all sympathy with them is only an insult and a curse.

ADVENTURES ON THE FRONTIER OF TEXAS AND MEXICO.

No. IV.

BY CHARLES WINTERFIELD.

It would have amused one—had there not been something in its exhibition too strong and fierce to be laughed at—to witness the unavailing, champing, foaming fury of the Colonel, as the retreating figure of his enemy was lost in the darkness. He fired his gun twice after him, even when he was far enough out of view. Then stamping and shouting, he dashed the butt of his precious “six-shooter” against the ground, to the evident peril of its strength. He was rushing back, swearing he intended to make his way to the old madame, and speak his mind to her, in no very measured terms, about harboring and encouraging a villain like Agatone, to the peril and annoyance of her neighbors, when the great gate of the court was slammed heavily in his face, and the bolts drawn. He dashed his broad shoulders against it like a mad buffalo, and bellowed and roared in his baffled wrath, about as musically as that animal would have done, when, in its blind fury, it had crushed its horns against some sturdy oak, behind which its subtle assailant—the hunter—had glided. But it all would not avail! The massive gate was no more to be moved than would the strong oak have been. And after expending his strength in what the western men call “rearing and charging,” until he was perfectly exhausted, he listened to my entreaties, and consented to start for home. The man was dreadfully excited, and staggered as we descended the hill. The night had been very dark when I came over; but “glimpses of the moon” visited us now, occasionally, through rifted clouds, which, in vast, gloomy and ragged masses, were careering as if—possessed by the winged life of fear—they fled across the heavens silently from some weird foe. There has always been something awful to me in the noiseless hurrying of these black mighty phantoms. *Haste—haste! faster—faster!* they seem to say, as one huge shape rushes upon another—and yet no sound! The ear expects it! you listen for the crash!

But no! your heart beats very loud—there is no voice from that great driving chaos! The silent majesty of motion! the mute Power that whirls, through burning mazes, the fire-dance of stars, is seen and felt in the sublimity of strength in such a scene.

When we were a short distance from the house, I heard the quick patter of feet pursuing. Before I could look behind, the boy, John, throwing himself rapidly past in a bounding somerset, was standing face to face a few paces in front of us.

“Get out of my way!” growled the Colonel furiously, striking at him. “You hell-cat—you skunk—you musk-rat! you smell of Mexicans; and if you are white, that only makes it worse! A white boy to permit his carcass to be kicked and cuffed about like a slunk pig, by the Mexicans! You ought to go and starve with the wolves first! I’d pick a buzzard’s bones with my teeth rather! Don’t get in my reach, or I’ll stamp you into the earth!”

The boy—who seemed desperately afraid of the bear in his surly moods—by leaping and rolling together, down the hill, had placed himself far enough out of reach in an instant.

“But, Kurnal,” he said, from his safe position, in cowed, whining accents, “I just comed to tell yer—”

“You lie, you bat! you have lied to me and to the Mexicans both! I don’t want to hear you. Clear out, I say!” And he jerked his gun up to his face.

The woods fairly trembled to his angry roar. The boy, quick as lightning, threw himself on the ground, and, rolling off the last bank, the next moment we heard the splash of his strugglings with the dark rapid waters.

“Colonel, the boy will drown: see what your stupid anger has done!”

“Drown! There’s no hope of that; you’d as well talk of drowning a mink. I wish there was some chance for it!”

By this time I had reached the bank the boy had been standing on, and which

overlooked the bed of the river. By the faint light on the ripples, I could distinguish a small black object, about thirty paces below me, which seemed to be moving rapidly down the middle of the current. With a splash, it instantly disappeared under the water as I came in view; and though I ran down the edge of the stream for some distance, and called to him eagerly, I could hear and see nothing more. I felt somewhat alarmed for the boy's life; for the river, besides being deep and swift, was full of sharp snags.

The Colonel called after me with a jeering "Haw! haw! you are throwing away trouble and losing sweat for nothing there! I tell you, you green-horn, a hundred men couldn't drown him in that river!"

I stopped to wait till he should come up—for the log we were to cross on was some distance farther down. Just before he joined me, I thought I could distinguish the sound of snapping twigs on the other side, but the gloom under the heavy forest was too impenetrable to distinguish anything. I said nothing about it, thinking it might be some wild animal, and we walked on. I remonstrated angrily with him about the brutal impolicy of his treatment of the boy, for he evidently had something of importance to communicate—but I might as well have spent my breath to the trees; for he seemed to have forgotten the very existence of John, and I could get nothing out of him but threats and curses about Agatone and old Madame Cavillo. We had now arrived at the log. I have before spoken of this perilous passage; and going down it from this side was worse than climbing it from the other. We stopped, and the Colonel, who was accustomed to the passage, proposed to go first and show me how to cross. While we stood for a moment to sling our guns over our shoulders, we were startled by a stealthy rustle and crackling in the woods beyond. The moon had just thrown a pale gleam of light upon our figures and upon the log. We both stepped instantly back into the shade and listened breathlessly. The low howl of a wolf very close to us swung dismally out on the stillness. We drew our breaths again; at the same moment we heard a voice which I recognized for John's, and which seemed to be some distance off, singing:

"The red wolf says, whoo-ooh! whoo-ah!
The robber says, whoo-ooh! whoo-oh!
Look out! look out! a trigger's thar;
Look out! it will be pulled on you!"

I suspected what the warning meant at once, and endeavored to stop the Colonel, who was hurrying towards the log again, with the exclamation, "Pish! it's nothing but a wolf and that cursed boy again!"—but it was too late. Just as he stepped into the moonlight, a long phizz-ziz and a bright flash, from the dense shadows on the other side, were followed by a heavy thumping report, such as a Mexican fusee always makes. The Colonel sprang back with the exclamation, "Ha! it blowed, did it!" while I, who was somewhat prepared by my previous suspicions, fired instantly at the flash! The Colonel started down the log at a run, but the same drizzling rain which had dampened the powder of the assassin and made the gun hang fire, had made the log slippery; and his headlong leaps had carried him more than half across the trembling bridge, when his foot slipped and he was plunged into the water. I followed without an instant's reflection, and with perhaps more instinctive caution, and reached the other side in safety. The Colonel shouted to me, sputtering the mud and water from his mouth—"Follow that fellow, I'm safe—or will be when I get out!" It occurred to me that he was quite able to take care of himself, so I followed at full speed in the direction of the retreating footsteps. It was too late though—and after nearly knocking the side of my face off against a tree, and having my head nearly jerked from my shoulders by thorny vines it was impossible to guard against in the dark, I halted pretty much out of breath, and nothing the wiser for my chase, though something the worse—for I could feel hot drops trickling down my neck, and the sting of the sharp thorns that had been dragged across it. After a short time I heard the Colonel approaching, plunging and tearing through the bushes like a worried bear through cane-brakes. By the time he reached me, he was pretty well done up; the sudden ducking had very thoroughly cooled him off, and he now began to feel the bruises he had received, and the reaction of the various excitements of the evening, and for a little while was comparatively tame. It now occurred to me, for the first time, to wonder what had

become of Texas. I asked the Colonel what he thought of it. He answered me, between his long pantings, "Pooh! never mind Texas!" Three or four pants and a long-drawn breath—"That cursed Agatone!"—pant—"thought he had me!" Panting—"Too much occupied with hugging that fat—" Long breaths again—"Set him there to plug me on that log, did he!" Still louder and hoarser, catching his breath—"Ooh! I could tear him with my teeth!" A longer pause—"Texas wouldn't hear the guns, and don't know anything about it—I must stop and rest!" Down he dropped upon a log. "If that gun hadn't blowed, I'd 'av been a gone'er, sure! Why didn't you hit?"

"I did my best, you know."

"Yes, yes; but why wa'n't your best better?"

"You are unreasonable as usual, man. It was all guess-work, in the dark!"

"Yes, he'll come out as soon as he gets tired of the dance, and the girl, and the liquor. You and he must start tomorrow at day-break and bring Hays. We'll hunt this Agatone this time to the death, or I'll leave the country! No I won't—I'll catch him. We can't help catching him; Hays and the Bravo are perfect bloodhounds. I'll follow him across the Rio Grande but I'll have him! I'll kill my horse!—I'll walk till my feet give out—then I'll crawl on my knees across the desert prairie and chaw snails to live on—but I'll have him! Hell! I'll hunt him into its black jaws but I'll lap his heart's blood!" And, calling down a terrible imprecation on his own head if he didn't do all this, he sprang to his feet and said, abruptly,

"Come on."

There was something absolutely imposing in the tameless cataract of passion this man's nature exhibited; and had it not been so thoroughly bestialized, it would have been almost sublime.

We reached the house without another word being spoken between us. We were astonished to see, through the chinks, the blaze of a cheerful fire. As we entered, the figure of a very tall personage met us. I heard a drawling voice say,

"How are yer, Kern?"

"Bill Johnson! Blood and blazes! Glad to see you, old fellow! What brought you here? Just the boy I wanted!"

"Oh, jest sneakin' around! Anything er stirrin'?"

"I tell you, boy, yes; I have just taken a pop at Agatone. One of his men took one at me down on the log. Did you hear the gun?"

"Jest as usual; one er them yaller stinks can't hit a bluff-side! I hearn the gun—thought tha'r were sumthen out. Who is this?" turning to me.

"Oh, that's Kentuck; we're going to make something of him; he stands powder well, but wants a heap of practice."

"He! he! gin us yer feelers, Kentuck; we'll work the buttermilk outhen yer! Glad yer come! From old Tennersee myself, and them's close sisterine yer know. Turn that meat tha'r, Kern! You keeps mighty trillin' fires; but you poor creatures where live in houses can't have a fire like men ought'er. Squat yourselves, boys, and make yerselves at home while I'm er'eatin'; I ain't tuck nothin' since yester' evenin', and then I tuck it raw dry, 'cause a fire wa'n't safe!"

"Fresh signs?" asked the Colonel, as he stooped and cut a great slice from the venison ham which was spitted before the fire.

"I could'er almost smelt 'em!" said Bill, as he went through the same manœuvre.

"I found yer coffee, Kern, though yer does keep it in a cussed sly place. Mexicans bad, are they? Mighty bad thing, havin' people livin' 'bout, jest ter thieve."

But the Colonel's jaws were too busy by this time for farther talk, and he merely nodded his head. Bill, who had now, too, cut off a slice of meat weighing about a pound from the ham, and passed it on, with a significant look, to me, then seized upon the quart-cup of coffee, which was simmering hot, and commenced in solemn silence his meal. Now, amidst the deep stillness, broken only by the doleful sound of the voices of night without, and the crashing of their heavy grinders, let us take a good look at Bill Johnson—the boy, as the Colonel called him. And a rough seeming customer was he—worth taking a second look at—especially if you felt any temptation to cross his track. He was upward of six feet four in height; an angular, loose-jointed figure, that looked as if it had been thrown together by a pitchfork, and did not care whether it stayed thrown together or not; his bones, though, were prodigiously massive, and his hand felt

to me like lead. There was not the sixtieth part of a grain of surplus flesh upon him. His tendons, muscles, and even veins, were as rigorously defined as if they had been cut in granite. Upon his wide, massy shoulders was set a very small head, with a fleece of close-curved black hair. His features were small and well-shaped, with a full, frank black eye; his skin, stretched so tight as it was over the bones, reminded me, in color and consistence, of a drum-head. He was dressed in a black, greasy buck-skin suit, "a world too wide," which appeared as though it had weathered a thousand storms, and kept pace with the progressive tanning of his own cuticle. In a word, sun and winds, perils by flood and field, and starvation, all together, had hardened the man into a perfect whalebone state! He had lain aside his wolf-skin cap and bullet-pouch, and in the belt of his hunting-shirt were stuck four or five knives of different sizes and lengths, and a brace of long rifle-pistols. The chargers of alligators' teeth hung at his breast, along with the coiled wire tube-picker. Of beard, he had none: whether he had plucked it out, as the Indians do, or never had one, I cannot tell. But such as he is—this was Bill Johnson, the guide, hunter, trapper—the man who knew, as well as he knew the features of "Old Sue," his rifle, every peak along the chain of the Rocky Mountains—who visited Astoria merely as a pleasure-jaut to see the boys, and hug his old friends the grizzly bears—who luxuriated his summers at the Steamboat Springs, with his head upon the lap of his Delilah—a captured Blackfeet squaw!—who took Santa Fé as "mine inn" on his way to spend the winter on the pampas of California—who was proof against wind, and hail, and all tornadoes, and joyed

"On the snow-wreath to battle with the wolf"—

whose hide could glance the arrow of a Sioux—whose eye would see the condor first, and rifle bring him from his icy peaks—whose spring was agile as the long-fleeced goat's—whose foot was tireless as the Huron runner's—who could outstarve the raven, and look greasy where the jackalls died—whose fist could crush a puma's skull—whose stab was quicker than the thought of death—whose

hate was greedy as an eagle's maw—whose face was mild and simple as a country boy's—whose heart was frank as any maiden's, and quite as free of guile—who worshiped God unconsciously in daily walk and converse with his grandeur, yet would have laughed at all religions! Such was Bill Johnson; and so are many others of those majestic natures, whose souls grow like the shadows of the mountain ridge they walk beneath—"wild above rule or art"—rugged but sublime! And yet that man's hand was red, and many a ruthless blow of retributive vengeance it had struck. Society would shudder at the bare recital of many a deed he had smiled in doing. Yet, while in your "fenced cities" you have the gallows—your huge castellated prisons, your houses of discipline, your narrow cells where, shut from the free air and holy sun, the wretched sinner against your laws must tell the weary seconds on through years, until the inward light goes out and death strikes twice—you should not find fault with these men, to whom "conscience is as for a law?" you have given them none; and since the systems you boast of, and have framed in pride, offer you no alternative but to make justice an executioner, blame them not if, as they have no ideal incorporation on which to throw the blame—to which they can say, "on your shadowy head be the blood of this man; we wash our hands of it"—they should more honestly take the retribution into their own hands, and each man for himself be the executioner of its stern law. You cannot judge of the fierce wrongs which heat their strong passions to the fever-thirst for blood and vengeance. It is a battle for life—forever—on these desolate wilds, of man to man, eye to eye, and foot to foot. Yet they have a code—though a relentless and martial one it be—written in the constitution of their natures, and the circumstances of their position.

"Trust me—each state must have its policies—

Kingdoms have edicts—cities have their charters—

And even the wild outlaw, in his forest walks,

Keeps yet some touch of civil discipline."*

By this code they are most sacredly bound. This common law of conscience

and of individual rights needs no wily counselor to distort its meaning and confound its sense; but each one, with the majesty of nature looking down upon him from her eternal hills, and under the broad gaze of the great eye of heaven, manfully and stoutly, of his own responsibility, interprets for himself, and is his own executive!

"Yer goin' to see after him some, in the mornin', Kern?" For the bone was picked pretty clean by this time.

"I tell you we are, Bill! The boys will bring Hays and ten men; and now we've got you, I wouldn't take a hundred mules for the chance!"

"I don't care, but I'll be thar. Yer know, Kern, thar's sumthen between us: it's time it war fixed—don't like such things ter stand long; but they don't spile much in my keepin'. Agatone run'd agin ther wrong sawyer when he run'd agin Bill Johnson!"

"That he did, Bill."

"But who'r yer goin' ter send on the trail, at day-break?"

"Oh, the Tonquoway! you know him."

"He'll do. Let's quile up."

And with the word he spread his buffalo-robe on the floor, and said, as he threw himself upon it—

"Don't like this 'ere sleepin' twixt walls! Too close—can't breathe free! kinder strangulates a man! Don't see how yer can stand it, Kern!"

"Oh, a man can get used to a heap o' things, Bill!"

We were all soon stretched upon our respective pallets, and I was nearly asleep, when Bill, who had been tossing from side to side, sniffling, drawing long breaths, and seeming to be very restless, suddenly jumped to his feet, took up his blanket and walked out of the door, grumbling and muttering as he went:

"Cussed hole! 'nough to smother a ground-hog! Wouldn't sleep thar fer a hundred beaver pelts!"

I nearly burst my sides with smothered laughter at the idea of a man's fearing he'd be "strangulated" in a log-house, with both doors open, or rather, with no door at all. But I fully appreciated Bill's uneasiness after six or eight months' tour on the prairies, and recollect being compelled to do the same thing the first time I slept in a house afterward. A sense of suffocation came over me as soon as I lay down—though the room was very open; and after trying in vain to sleep for several hours, I was obliged

to take my blanket, and go out to sleep under a tree! Nothing less than the fanning of the strong wings of the mountain wind, laden with the perfumes of the flowery plains, can lull to sleep these spoiled luxurious children of the wilds.

Just before day we were waked by the arrival of Texas, who made his appearance accompanied by quite a characteristic retinue. It consisted of the lieutenant, his wife and Davis. The woman, very drunk, was mounted on horseback, and was with difficulty held in her seat by the husband, who walked on one side and Davis on the other. On the shoulder of this last personage her hand was caressingly rested, while she leaned over his face gabbling and stammering idiotically her maudlin affection. I had noticed at the Fandango a bottle filled with a clear, pale liquor, which I had ascertained to be common American whisky; the movements of which, along with those of the small tin cup accompanying it, had appeared to excite a high degree of interest on the part of the females present. These warm-blooded dames had preferred "whisky," as the more volatile and fiery drink, to the "Pulqua," their national beverage. I observed the men to drink but seldom, while the women kept the cup and bottle constantly active among them. Indeed, it is proverbial to those familiar with the general characteristics of a Mexican population, that the women are more loose and licentious than the men. It is not at all astonishing, therefore, that the race should be so miserably degenerate. The most hideously revolting object I know of is a drunken woman. Man may brutalize himself very far—may be prepared even to sell his "birth-right;" but so long as God's signature of "angel" signed in the calm purity of woman's brow appeals to him mute and untarnished, he is safe—there is everything to hope for him. But to think of a nation whose women are most lecherous, most debauched!—need we be surprised at anything in such a people? And a beautiful woman as this was! To see her lolling her tongue—simpering with dripping lips—blinking and leering her open shame upon this tinsel miscreant—with dark large eyes that might have won back a soul even into him, had they been lit with the soft, lustrous flame of innocent joy!

"Oh, what a mansion have the vices got, Which for their habitation chose out thee!"

But sentiment is all thrown away upon this Mexican slut. My cheeks fairly burned, though, to think that the miserable wretch, her husband, was an American, who had drawn the milk of an honest woman, and was yet alive, though so immeasurably sunk—so base a dastard as to play meek-second to a scene like this. Yet this fellow could fight Mexicans and Indians, and was called a man on this frontier. Her domination over the brute was so complete, that she compelled him quietly to submit to seeing her lavish upon Davis those caresses he had sacrificed his position among his countrymen to buy. I hoped this singular passiveness might be traced to some cause more honorable to his manhood, at least; for this person had once held a station of dignity in one of the governmental institutions at home, and had received the diploma of one of our oldest colleges. I was fain to hope that, perhaps, accident, growing out of some wild frontier scene, had placed him thus inexplicably in the power of the "Euphulist"—anything, rather than believe such infamy on the part of a countryman voluntary. Crime and license can strangely distort humanity!

This agreeable trio passed on to the Rancho of the lieutenant, which was a half-mile below on the river. The Texan was in a very surly and stupid mood—the consequence of the over-night's excesses—and we could get but little out of him concerning what occurred at the old dame's Rancho after our hasty departure. A muttered fragment now and then was all we could get—such as—"There was the devil to pay when you left!—why didn't you kill Agatone?—had as much trouble as if you had—Old hag—like a she wild-cat! Pretty friends you!—left me among five hundred Yellow Bellies.—Had to bleed some—break a few heads—let me alone then," &c. I concluded he must have had a rough time of it among them all, exasperated as they must have been; but his surly coolness seemed to regard the idea of keeping any number of Mexicans at bay with so much stolid indifference, that I forbore to question his incommunicative humor any farther. When he heard it had been determined we should start to Bexar at once for Hays, he was furious, and swore at first that he would not go. A mule had been provided for me, and I had mounted to start alone, when he called to me gruffly to wait and he would

go with me. He joined me in a few minutes without his gun. My gun was in the house, and I called to the Colonel to bring both his and mine with our holsters, when the fellow snappishly swore that "he would not be troubled with a gun—there was no danger—he warn't afraid—warn't a-going to be troubled with lugger a gun between here and Bexar!" I was annoyed by this insinuation—my boyish pride took fire at once; and although I knew this proposition to be the result of the present splenetic mood, yet feeling a little spleened myself, I determined to see him through on his own terms, and merely said, "Very well, sir—as you choose." The Colonel, to my astonishment, simply because he was too lazy to go and bring the weapons for us, encouraged this silly resolution by saying, "Yes, go along—there is no danger now—the Comanches have been driven from the country, and you're less likely to see them now than at any other time." We turned to go, when Bill Johnson shouted after us, "Boys, I never parts from old Sue myself, nohow—ner goin' nowhar; no tellin' what'll turn up—best ter keep yer eye skinned, and be always ready!" I saw the good sense of this warning—it was too late, though. The stupid whim of Texas had carried the day, and we must abide the issue; and a sufficiently ridiculous issue it was! We had scarcely gone half the distance, when we met one of those itinerant Jesuit priests who are to be stumbled upon in the most out-of-the-way places in Mexico—the Far West and North—who gave us the comfortable information, that the whole country between us and Bexar was filled with Comanches, who were scalping and slaying the Mexicans right and left. This was something of a poser. The benevolent priest, in a very impressive manner, urged us to return to the Colonel's Rancho, and offered us the protection of the valiant cohort of dirty, ragged, half-armed Mexicans who accompanied him as a body-guard. I saw and felt at once the entire absurdity of attempting to proceed under such circumstances, and was about to accept the offer so courteously conveyed, when Texas, in the insane and silly spirit of braggadocio, characteristic of himself and his country, and for the purpose of throwing the odium of what might be construed into "a back-out" upon me, insinuated pretty roundly that he "did not care for the Comanches—wanted to get on to Bexar

—would go back if I was afraid,” &c. This was low spite—the result of a lingering reminiscence of the “breakfast scene”—for which I instantly determined to punish him severely; for I knew that these wild, ruffianly fellows who have been accustomed to depend upon their guns for everything, seldom stirring out without them, are always dreadfully panic-stricken when they find themselves in imminent danger and disarmed—so turning my mule abruptly, I merely said, “Come on, sir—I intend to be in Bexar in the shortest possible time!” He grew white as a sheet at this unexpected turn, and dashed past me at desperate speed. The old priest, who perceived there was some boyish pique at the bottom of this madness, waved his hand as I looked back, in sad adieu. Never did two youngsters repent more heartily of a silly whim than we did of this before reaching Bexar. So soon as we had leisure enough to realize the predicament we had placed ourselves in, our imaginations at once assumed the reins; and we had forthwith populated every clump of trees and thicket of underbrush with legions of Indians. I conjured more in one half-hour out of the trunks of innocent trees than I had seen in all my life; and when we suddenly came upon the body of a Mexican they had scalped a short time before, I verily believe my hair would have stood on end had not the feeling of terror which was possessing me been somewhat diverted and alleviated by a glance at the wild work it was making with the Texan’s face. It was absolutely convulsed. Had

“Harpies and hydras—all the sooty fiends
‘Twixt Africa and Ind”—

been flapping their scaly pinions about his ears, he could not have looked more desperately frightened. I was greatly comforted and relieved at this sight, and forgot in a great measure my own burden in reveling over the agonies with which he bore his. The case was bad enough, certainly. We, on an open plain, entirely unarmed, when such work as this was going on around us! The predicament was too much for Texas at last; and in a whining voice he proposed that we should turn aside, and stop at some Mexican Ranchos several miles off until night set in. I was sufficiently relieved at having this proposition *come from him*, not to render it necessary for him to repeat it. Off we

started at a killing pace, and, as we neared the Ranchos, had the gratification of nearly losing our scalps at the very gate. The Indians were driving in a party of Mexicans before their lances, and but for a rush—such as only desperate men could have made—by which we were enabled to rush in pell-mell with the Mexicans, we should have been shut out, and paid for our rashness with our blood on the very lintels of the door of safety. In addition, we had to run the risk of being shot by the frightened people inside, who, astounded by our sudden appearance, took us for Indians, and were banging at us through windows and port-holes with their rusty fuses on every side—fortunately for us—with their usual bad aim. We could get no arms from them, and were fain to wait till night set in, dark, cold and stormy, and then creep out and make our way with fluttering hearts, chattering teeth, and otherwise in a most pitiable plight, to Bexar, where we arrived about midnight.

Late as it was, we found the Rangers up and collected in Johnston’s bar-room, for a carouse. They received us merrily, and greeted the account of our lugubrious adventurings with shouts of laughter. They had been in pursuit of the Comanches at the summons of the half-frantic Black; and in the effort to intercept had missed the party, concerning which we gave them first the information in possession of the reader. When they heard the fate of the poor boy, they sobered down instantly, and deep curses and stern mutterings were heard through the room in place of boisterous laughter. “Poor Black!” said Hays; “his is a hard case; he has been like a madman ever since he joined us; I am afraid this will make him one sure enough. Castro will pay them fellows off in full—he’ll receipt ‘em.” We then told him about the affair at the Fandango, and of the arrival of Bill Johnson. “Hah! Bill is there? He’s worth a dozen common men! Agatone will have to look sharp. There’s Bill, Black and the Colonel—all splendid trailers—either of them would give his right hand for a fair shot at that fellow! Boys, we’ll go at day-break! Some of you let Black know. He’s at Navarro.” The thing was settled as coolly as if it had been a fox-chase we were going upon; and we separated to get a few hours’ sleep. We were up before daybreak; and in about half an hour the yawning, drowsy members of the party, who came straggling in

through the lanes, and meeting us at the corners of the streets, were all collected on the bank of the river, and ready to start. Looking over the party, which consisted of eight Americans, Hays remarked, "Black is not here!" It was a raw, misty morning, and at the moment we turned at the sound of a horse's feet, and saw a dim figure emerging from one of the lanes of the suburb, which was approaching us at full speed. "There he is!" and in another instant a rider, muffled in a coarse green blanket, with a wolf-skin cap drawn down over his eyes, dashed through our party, and without speaking a word plunged into the water at the ford. "Poor fellow, he's wild this morning!" said Hays, in a low voice, as we all followed him into the water. In perfect silence the man lashed and urged his horse up the bank, and when we reached the top we could see him going at full speed over the plain, sitting stiffly in the saddle, with his chin fallen upon his breast and his rifle lying balanced across the pommel before him. In a short time he was out of view, though we were in a brisk gallop. In about an hour, at a sharp turn of the trail, among the thickets, we came close upon him, sitting in the same rigid position, while his horse crept along at a snail's pace. As we clattered by him, he roused himself an instant, urged his horse into the same headlong speed, and before he again passed out of sight his figure seemed once more frozen in the seat. No word had passed. There was something inexpressibly mournful and, to me, exciting in this strange ride. That stricken, fitful man seemed madly flying before us, as if we personated to him the shades of his murdered family, chasing him with wails for vengeance—shades that he felt could not be laid ever again, but with *blood!* The whole party were chilled and saddened by it, and as no time was lost in conversation, we were at the Rancho before I realized that half the distance had been gone over.

They were all ready and met us; the Colonel, with the grin of "a belly-pinched wolf," who had caught the scent of slaughter on the air, and Bill with a smothered, chuckling "He! he! Glad yer came, boys! Kern's bleded him!"

"Who—Agatone?"

"Yes! Tonque's found whar he laid down jest er little er the dye-stuff about?"

"We'll get him, Bill, won't we?"

"Can't tell, Captain Jack—cussed sly

varmint, that Agatone! He's tuck to water, and the Tonque lost him!"

"Oh, we'll bring him out of that, Bill! Come, boys—all ready!"

"All ready!"

I saw Black sitting on a log by his horse, his head bowed on his knees, his rifle across his lap. When he heard this, he sprang to his feet, and at one bound was in the saddle and off.

We were off at a canter—the Tonquoway and Bill leading after Black, who kept on far ahead—the Indian on horseback, and Bill, who scorned a horse, swinging those massive limbs of his along with marvelous ease in huge, rapid strides. It was a most picturesque scene, that party, mounted on horses of all sizes and colors—the Colonel had by this time obtained a very good one for me; our costume a singular blending of civilized backwoods and Mexican taste; our arms gleaming in the sunshine, and our steeds curving and plunging over the wave-like undulations of the ocean meadows. We had progressed in this way over a lovely region for about two hours, when, just as we were getting among the hills, and the scenery becoming wilder, we unexpectedly found ourselves drawn up on the bluff bank of the San Antonio river. Here the trail was lost. When we descended to the water's edge, there were evidences on this side of a camp, and the tracks led from it to the water; but there were no traces on the other side of their coming out. This puzzled all parties the more, as the banks of the river were bluff and very high on both sides for a number of miles above and below, and the gorge just at this point was the only place where it could be crossed. Bill said the "varmint" must have been turned to an otter, and that there was some sly hole in the bluffs he had swum to and hid. We crossed and scattered up and down on both sides of the river, to look for the trail; but after an hour's search we all met again, and concluded we were nonplussed in that quarter, at least. This gorge opened into a deep winding valley, flanked on either hand by knolls, forming an irregular ridge covered with live oak. Bill thought that, "unless Old Harry had flew'd away with him, he must leave a sign across this here ditch!"—which, by the by, was from a half-mile to a mile in width—so the orders were to stretch our line from foot to foot of the ridges and breast it up the valley.

The spies went on ahead, while we breasted up the valley—Black, in his moody, headlong, silent way, accompanying them. The only incident for several hours was the pulling down of a fine buck, in full view of us, by two large wolves. They had been running the gallant animal, I suppose, for many hours, and when he broke suddenly into the valley they were but a few paces behind, and so intent as not to notice us. Their tongues were all out, and they ran very slow. We stopped. One of the wolves seized his haunch—he wheeled and plunged heavily at them with his fore-feet and antlers. They avoided his charge, and one of them rushed at his throat; in an instant he was down and killed. The men were very anxious to shoot, and the Colonel and Hays tried to prevent them; but bang! bang! went two guns, and the wolves tumbled over.

We were getting tired, and had despaired of finding the Mexicans, and discipline—never at any time much regarded—was at an end. We were riding very slowly, waiting for the spies, who were still on ahead, when I, utterly worried out by the fatiguing slowness of our progress, galloped off in advance; and seeing, some distance farther, a very remarkable-looking knoll, covered with cedars, which rose abruptly from the centre of the valley, I made for it alone, with the intention of enjoying the view from the top and joining the party as they passed. My horse climbed the steep sides with difficulty, and when I reached the top, a more paradisaical view never burst upon the eye of mortal than this which rewarded my trouble and risk. As I stood gazing enraptured over it, my eye was attracted by some object moving on the comb of the opposite ridge, just where it was defined clearly against the sky. I felt my heart jump, and on looking steadily I could clearly distinguish the outline of a horseman wearing the Mexican sombrero, who seemed to be endeavoring to screen himself behind the tree from objects below that he was trying to get a good look at.

There was something even in the distant outline that reminded me of the cloaked figures at the Fandango. I understood the whole thing in an instant. The Mexicans had out-witted us, and our whole course had been watched by their spies, of whom this was one. The cedars concealed me, and my resolve was taken in an instant. I descended on the side opposite, and happily met our party

just rounding the hill on that side. My news was told and the action instantaneous. We were out of sight of him now, and he would wait our coming out on the other side of the hill.

Hays—who now waked up and showed what he was—with the Bravo and myself, plunged under cover of the bush at the foot of the ridge, where the dry bed of a stream ran, and rode back with the intention of crossing the valley when we were high enough up to be out of his view—and then mounting the ridge he was on, to come up on the other side, while the rest of the party rode slowly and carelessly on as they had been doing before. We thought that if we got the spy hemmed in and frightened, he would dash right for his camp and lead us in.

The manœuvre was admirably carried out. The fellow suspected nothing, but cautiously crept after the advancing party, who laughed, and talked, and sung with the best possible affectation of unconsciousness. His chuckling consciousness of successful cunning was most unpleasantly broken in upon when we shouted—which was to be the signal to the other party—and he saw himself inclosed on both sides and no chance to run for it, but the top of the ridge, which kept him in full view of each. He broke off, though, at his best speed—the two parties keeping parallel with him. The object was not to catch him at once; but after testing our speed sufficiently to see that we could close with him when we pleased, we held up, and let him think he had some chance of escape—believing he would make for camp if we gave him play.

Hays was right, as usual; and in a little while after we had fallen back, he left the ridge suddenly and made across the plain, on the side we were, towards a blue and hazy line of timber.

"There's the camp, in them woods!" said Hays, joyfully. "Go to the top of the ridge and beckon to the boys, Kentuck!"

I complied. They were just hesitating what to do, when, seeing my gestures, with a shout they took the hill. Now we had it. The fellow had got a half-mile the start, and it wouldn't do to let him get in before us and give the alarm.

"We must close up and go in on his heels!"

A single figure was perceived galloping down from the ridge after us, with tremendous speed. He soon joined us—

it was Black. The raven had scented the slaughter from afar! He was coming to meet us, and had turned the spy from the ridge.

Our horses were strained to the top of their mettle. There was no more shouting; every faculty was wrought into the intensity of the exciting chase. We were all in a body now, and our pace began to tell in lessening the half-mile; the woods we were making for began to grow more distinct, and by the time the trunks stood out separately, we were within a hundred yards of him. Now the lash flew, and every nerve was strained.

"Look there," said the Colonel, pointing to a flock of buzzards, perched upon a tree; "that shows their camp! We've got 'em at last!"

And with a savage oath he jerked his hat from his head, put it under his seat, and looked at his gun; and, with a stunning whoop—for we now saw their horses, which had been turned loose to graze—Black, who was ahead, fired at the poor spy, for we had got all out of him we wanted; and trampling over his writhing body, we swept like a thunder-gust through a line of bushes into an open space surrounded by thickets. And there were about fifty men springing from the ground where they had been lying, and in every attitude and expression of fright, surprise and consternation—some stopping to fire at us—others running on their hands and feet, rolling and plunging into the bushes.

I remember seeing Black throw himself over his horse's head among them first, and like a frantic wild beast strike right and left with his long rifle-barrel, crushing in a skull at every blow, and then disappear raging through the bushes in pursuit of three or four huddled and scrambling wretches.

It was, throughout, a terrible and rapid scene—the ring of rifles and roar of the Mexican musket—the dismounting—the clubbed guns—the fight hand-to-hand—the scream for mercy, smothered in the death-groan—the crashing through the brush—the pursuit—every man for himself with his enemy in view—the scattering on every side—the sounds of battle dying away into a pistol-shot here and there through the wood, and a shriek—the collecting again, and the shouts of laughter as one man after another would come panting into the clear place with the trophies of his slain, or without them, as it happened.

Black came tumbling out, covered with gore and sweat—his eyes glaring wildly—his dripping knife in one hand—his rifle-barrel, bent and smeared with brains and hair, in the other—his pistols still in his belt, untouched. He threw himself suddenly upon the grass, his head resting on the body of a dead Mexican—jerked the wolf-skin cap down over his swarthy brow, and in an instant was as still and silent as the corpse. Nobody spoke to him, and the reckless, unseasonable mirth was for an instant checked, as we all turned silently and looked at him.

The Colonel was the last to come back, and came with bloody hands, foaming and stamping with rage, for Agatone had not been found, and had probably escaped!

We lost sight, in the headlong action of the incidents last described, of our long-sided friend, Bill Johnson. So soon as all were assembled, we missed him, and some one shouted—

"Where's Bill, the old coon, gone to? He wa'n't born to be killed by a Mexican, sure!"

"Ah!" said the Colonel, "don't fash your brains about Bill. He's up to a thing or two. Warrant you he's nosing the right trail. He came out after Agatone!"

At the name of Agatone, Black sprang half erect, and shouted hoarsely—

"Leave me! leave me! I tore out all their hearts, but could not find his!" then, muttering inaudibly to himself, fell back. All paused a moment.

"Didn't he go out with the spies?" asked the Bravo, in a low voice.

"No!" said Hays. "He never left the river, but struck off through the woods, up the bank. He went for another look. Bill didn't feel easy 'bout our losing that trail yesterday. It was strange, boys, wa'n't it? These were his fellows, but Agatone wa'n't here. Bill will tell the tale about him."

"Yes," muttered the Colonel; "if he'd have been under a leaf here, I'd have found him. I killed two of the rascals that looked like him, anyhow!"

"Colonel, you mean to make a coffee-cup of his skull, don't you?" said the Bravo, laughing.

"Hell! no; I'll save it to put a ball through once a week, to keep my hand in."

"It will beat the skull Hamlet talked to, in 'eyelet-holes,' all hollow, then!" laughed Fitzgerald.

Here one of the men sprang forward, with an exclamation of pain, rubbing the calf of his leg, from which the blood was streaming. We had all been grouped near the body of a Mexican, who seemed to be dead. His hand clutched a bloody knife—the last spasm was on him, and the death-rattle in his throat, when we turned; he had made one dying blow for vengeance.

"That d—d yaller-belly is playing possum," said the Colonel. "Kill him!"

"He won't play possum any more," said the bravo, quietly drawing a bead on him with his pistol, which he fired, and blew out the smoke as coolly as if he had been practicing at a mark.

The Colonel turned him over with his foot. The man was dead before the shot.

"There, Bravo! you've lost a load! Jim," said he to the wounded man, "split his shirt off, to tie up that scratch with."

So these hard men talked, and joked, and laughed, as if death were a bridegroom, and his seeming in the body of a Mexican a merry masking!

We found, on comparing notes, that thirteen Mexicans had been killed, but no prisoners taken; for it was war to the knife with these robbers. The dense thicket around their camp had favored the escape of the rest. We collected together their horses, and the plunder they had left behind. The muskets the men broke and threw away; the saddles, and indeed all the horse equipments, were very handsome, and the party valued them exceedingly. All the frontier Americans prefer Mexican horse-furniture to their own. It is the most complete and admirable I have ever met with, and is the only point in which the Mexicans excel, except in the use of the short knife. These things, and the horses, were distributed by lot, after having been divided into as many equal shares as there were men, reserving one a-piece for Bill and the spies. When Black was called upon to choose, he merely shook his head and groaned. Each man had stripped the person of his enemy as he fell of whatever was valuable to him, and then left him for the buzzards and wolves. Several of the men had been slightly wounded, but hats and horses suffered more than our bodies; for the Mexicans, as usual, shot everywhere else but in the right place. Amid a great deal of loud talking and merriment, at the expense of the marksmanship of the poor wretches, the ghastly ceremonial of "casting lots

for the garments of the slain" was got through with at last; and with the price of blood gathered together in transportable order, we started on our return, and could hear the sharp snarling and see the battles of the wolves over the dead before we were two hundred yards off. I do not wonder that superstition has chosen these vile animals as the favorite agents of her most horrible legends. There is a sneaking malignity about the tawny front,

" Whose downward eye still looketh for a grave,"

mingled with a fell sagacity leading them with almost infallible certainty in the wake of slaughter, which is very well calculated to awake strange associations in those who observe them on their native wilds.

It was impossible for me to get rid of the idea that they must have been glaring out upon us, with their green and charnel eyes, from the dark thickets, as we rode past that morning, and read with wizard shrewdness in our flashing arms and on our brows, through all the mockery of merriment, that human passions were forth upon the chase of death, and that they grinned their white tusks and lapped their thirsty jaws in fierce exulting over the feast of blood to come, and slunk, and watched, and crawled upon our trail, and sent the jolly tidings round to all their hungry brothers, that they might be in at the revel! How they must love the man of blood! Sure it was in recompense for this they came that night in bands around our camp, to lull our dreams with pleasant roundelay, and wailed such horrid choruses as

" Blue meagre hag, nor stubborn ghost,"

" Nor goblin, nor swart fairy of the mine," heard ever yet resound, that they might foot it by beneath the "visiting moon," or the black, dripping arches of deep caverns!

Black had long since left us, galloping off by himself. We had ridden several hours on our return, and were beginning to near the gorge where we had crossed the river, when Hays, pointing suddenly towards the sky, said—

" Look, boys! there is news!"

I looked, and could see nothing but a thin column of smoke that shot up to mingle with the clouds.

" How is that news?" I asked.

" Ha, ha! Kentuck," said Fitz, " you're a poor benighted being. As yet, you

‘ see through a glass darkly,’ and a green one at that. Don’t you know that is what the old saying, ‘ I smoke you,’ for ‘ I understand,’ ‘ I’ve found you out,’ comes from? That’s a telegraph, sir! sent up, I suppose, by Bill, to let the Colonel know that he has caught his ‘ otter !’ ”

“ But how can you know it is Bill ?”

“ Oh,” says Hays, “ we’ve seen Bill’s smoke too often, not to know it as well as we know his long tracks, or his whoop.”

“ Yes,” said Fitz, “ Bill’s a great artist at getting up a smoke. He’ll smoke you the Mexicans or Comanches—good news or bad news—by throwing on an armful of green moss to make a very black column when the ‘ Old Harry ’ himself is to pay in person, or simply a handful when it’s only one of his young ones out, or dry sticks when he would merely say, ‘ Here I am !’ It’s well to keep your ‘ gaze turned heavenward ’ when Bill is scouting for Comanches; for when he discovers them he sends up a dark puff that lasts about ten seconds, and looks like a whiff from the sulphur-pipe of ‘ the gentleman in black.’ He says it don’t do to favor the Comanches by smoking long, for the glimpsers is tar-nal keen !”

We soon rounded an angle of the valley, which brought us in sight of the river from the top of its shelving bank. About half-way down to the water, on a projecting rock, the gaunt, leather-clad figure of Bill was stretched. He was leaning on his elbow, with his gun between his legs, and slowly dropping dry sticks into a small fire that burned before him. He was on his feet in an instant as the sound of our horses’ feet reached his ears. We galloped down the hill, with cheerings and shouts, and were soon dismounted around the old fellow—everybody talking, and nobody listening. Perfectly unmoved, Bill looked round upon us all with a stare of something like astonishment, that anything could possibly happen in the world worth talking so fast about; for the party, anticipating fun from his disclosures and manner of making them, had thrown off the impassiveness common to such men, for a mischievous motive.

“ Pish, boys !” said he at last; “ ye’re jest like a litter er otter pups slid’n down

a bank, ter ker-slowsh in the water! I’m ‘shamed er ye. If I’d er killed old wooden-leg,* I wouldn’t er made all this kerousin’ tu it !”

“ Well, but, Bill,” laughed Fitz, “ what’s become of the ‘ otter ’ you went after? We’ve got our pelts—where’s yours, old wolf-dog? You’ve no right to show your teeth !”

“ Yes, where’s the fur, Bill? where’s the fur ?” was shouted around him.

“ I reck’n this ere’ll count tu fur,” said he, slowly drawing from his bosom a gold cross-hilted Spanish stiletto. “ I don’t stink up my fingers a skinning up such varmints ! Here’s the brush ter show !”

“ Colonel !” shouted the Bravo, “ he’s got him ! Now for your coffee-cup !”

“ Now for the eyelet-holes !” said Fitz.

“ Blazes and hell ! you haven’t kill’d him, Bill ?” growled the Colonel, in an angry, disappointed voice.

“ What’s the matter now, Colonel ?” shouted every one, in astonishment.

“ I wanted to do that myself,” said he, sulkily.

“ Nateral enough,” said Bill. “ But I can’t say, Kern-as I should er tied him tu bring him in tu ye ! I’d a kinder hankerin’ that way myself !”

“ What ! didn’t you get him at last ?” exclaimed several at once. “ Whose fine frog-sticker is that ?”

“ Now, boys,” said Bill, coolly taking his seat on the rock, “ If yer’ll jest make yerselves easy, and don’t bother me with talkin’, I’ll tell yer all about it—the tar-nalest strangest thing as ever com’d in my knowin’ !”

There was a general settling down on all sides at this.

“ Out with it, old slow-track ! You nosed up Agatone, did you, and he got away ?” said Fitz, mischievously.

“ That ye go, yer Irish spread-mouth,” said Bill. “ Shut up your bone-trap, will ye ?”

“ Well,” commenced Bill, “ I took on considerable ‘bout losing that ere trail last night. Thinks I—Bill Johnson ought’er be flung out by such a little dried monkey. So I takes old Sue, and sneaks off up the river, for I seed them tracks in the water was goin’ up stream. Thinks I, up one side and down the other, fur enough, and I’ll find his mark. So I went on up ‘bout five miles, till I passed all yer tracks whar ye made galloping up

* Santa Anna—who lost a leg at Vera Cruz.

and down; then I look'd out spry. Thinks I, honey, but ye had a splather-ation uv it, as Fitz, thar, says——”

“Don't slander my English, Bill. Go on.”

“Er wadin' all this way up that cussed river, where a decent horse can't cross, 'cept 'casionaly. 'Bout a half-mile further on, I seen some drift-wood tolerable near cross the river. Thinks I, now yer begin to make figures whar I can count. Sure enough, two horse-tracks were comin' out o' the water! I foller'd 'em awhile, till they stops and tramps 'round considerable; then one takes square off ter th' right—t'other keeps up the bank. I follers the one out, till I comes to a loose horse, hurt mighty behind with a big ball, Kern, like six-shooter!”

The Colonel nodded, and Bill went on:

“I goes back to the bank, and tuck th' single track, 'Twas on this side. I follers it 'bout a mile, when, what do ye think, boys! a trail comes in, straight from the Ranchos; and they stops there together considerable, for both their horses dunned, and it war both the same age; and there war a man's track on the ground. Thinks I, swappin' double. That's Agatone! It's a little track—got one of six-shooter's pills in him—can't ride alone! But who th' darnation war that feller who stuck in?”

“Colonel,” said Hays quietly, “wasn't Davis about when we left your Rancho?”

“Yes. I wanted to kill him the day he come, but the boys wouldn't let me!”

Nothing more was said, but a cold scowl settled upon the faces of the men, and they gripped their rifles hard, till their knuckles grew white; while Bill went on with his story:

“They kept on, 'longside. I followed till the trail war come to Big-Bend bottom. I was sneakin' 'long through the timber, when I heard men talk—couldn't see 'em for the bushes; and there war 'twixt me and them a cussed swamp bayou with an old log 'cross it. Thinks I, now for it! Bill Johnson's here, and old Sue! So I takes the old log. It did look kinder 'spicious, but there wa'n't no other way. Cudjump, I went, into the black mud and green water; the cantankerous log snarled right in two. The fellers hearin' it, and broke. I seen a glimpse of 'em—there war three—one ridin' behind. You know, boys, I'm somethin' on my pegs. So I shuck the stink off, and twoddled through them brush, a little particular. I don't mind horses in runnin'. In 'bout

a mile I glimpsed 'em ag'in. I seen whar they were makin', and headed 'em. *Thar war but two*—goin' like streaks through the trees. Old Sue winked at th' hinder one, and he jumped astonishin', clean up out o' the saddle! T'other one had somethin' red on his cloak, and maybe he didn't skoot! The feller had done kickin', as usual for old Sue, when I got to him, and couldn't tell no tales. But he wa'n't Agatone! nor the other wa'n't—for he war taller. Whar on earth the little weasel-face could a' got to, is more nor I can tell!”

This created considerable stir in the party, who drew long breaths, and shifted their positions; while Fitz interrupted him maliciously with—

“What, Bill! haven't you got the green out of your eye yet? Why, they pushed him up a tree, to be sure!”

“Thar ye ar' ag'in, ye waw-mouthed bog-trotter! May ye be chased to death with a snake-skin to yer tail! Don't ye know Bill Johnson thunk o' all that? I tuck this thingamy out o' his bosom, and went back on the trail to where I tuck across. Thar wa'n't no sign whar they had stopped close to a tree to shove him up, nor no tracks whar he'd tuck the ground! Bill Johnson looked, and thar war no mistake! Tarnation take me if I can see any way he'd got off, 'less he flew! That old devil's squaw, Cavillo, rid him off on her broomstick—that's how it war!”

Bill said this with such solemn earnestness, that Fitz and myself burst into a loud laugh.

“Shet yer purtater-trap, will ye? Kentuck, I thought ye war better mannered! It's no laughin' matter, boys. I tell ye, Bill Johnson believes it. She looks kinder stewed, anyhow, as if all the juice war dried up, drinkin' hot sulphur; and she's got evil fire in her eyes, that's red like old Sue's mouth when she speaks. Ain't it so, Kern?”

“Yes; and I'll ease her down to old Split-hoof's hug, some of these days, so that she'll stay there! Bill, this is a deuce of a strange tale! What do you think of it, Hays?”

“I think so, too! If it had been anybody else but Bill trailing, I should have thought, with Fitz, that they had just stuck Agatone up in a tree, among the moss, and galloped on. But Bill looked, and if Bill is stumped, none of us could have done anything. The little rascal's smart, sure! He's thrown out the best

trailer ever I saw twice in twenty-four hours—wounded, at that! But, Colonel, that red on the cloak proves it was Davis that helped them. Bad business!"

"There now, Kentuck," said the Colonel to me, "if you hadn't been so handy with your *humanity*, it would have saved us the trouble of killing that cur now."

"But would have spoiled my fun," said the Bravo. "I've a curiosity to see if I can't split a bullet on his sharp nose!"

"That's a new mark of yours, Bravo," said Fitz. "It's snuffing the snuffers instead of the candle!"

A general guffaw followed this sally of Fitz, and we all rose to start. The spies and Black now came galloping down the hill, and Castro with them, and a moment after the Lipans were around us. Castro was nearly out of his wits with delight at seeing Hays and the Colonel. I was delighted, too, at the dignified modesty with which Hays received his extravagant caresses. There was something fresh and touching to me in the unsophisticated joy of this child of nature at meeting these men, to whom he considered himself indebted for all his warrior-training and reputation with his tribe. Hays, especially, he seemed to look up to as a higher order of being, and with almost Oriental deference in his fondness. He wore two scalps at his belt, and there were several others among his warriors, as well as a number of wounded. Their persons, arms and horses all showed that in the "four times sun go," which he said must elapse before we saw him again, he had been at rough work. The faithful fellow had been true to his promise about our horses, and, with an exulting look at the Colonel and myself, he ordered one of his braves to lead them to us. I was right glad to get Sorrel again; for passing strong is the love one learns to bear the noble steed who has been the patient, honest friend, the companion—

"His corporeal motion governed by my spirit"—

through many a weary day of solitary peril. There is an intuition of human thoughts and emotions about these animals, that is most striking—a prompt sympathy in the finer specimens of them almost marvelous. Stormy passions in the rider dash an electric inspiration through their big veins, and swell the pulsing arteries to turgid throbbing—light with fires as angry as their large eyes,

and all convulse the quivering muscles—till they will laugh with neighings in the hurricane of battle, and shake, like beasts with fangs, fragments dripping from their bloody jaws—for that red wine makes them drunk, too, and mad; and then, if you be merry, how with pricked ear and airy capricoling his light movement chimes your humor; and when you are sad and thoughtful, how sober, steadfast and demure he stalks, with measured tread, and drooping crest, and contemplative eye, guarded, as though he feared to break the subtil thread you spun to weave in woof of midnight, or of beams. Glorious animals, I love them! and have seen in them traits of courteous chivalry far beyond the soul-girth or the ken of those who are their tyrants. Sorrel recognized me. He was evidently something the worse for the wild companionship and usage of the few days past. Horses never forget a considerate friend, which is more than can be said of the animal which claims to be the nobler. I thought the joy the Colonel exhibited on recovering his old favorite horse quite a redeeming trait in his character.

It was promptly proposed by Hays to make this new and unexpected addition to our forces available in ferreting out the mystery of Agatone's escape, and fixing, if possible, the proofs of his treachery upon the miscreant Davis. Bill was to take them to the trail, and it was hoped that their numbers and singular sagacity might be able to accomplish what even his unerring skill had failed to do. Black was to accompany them. During all the foregoing scene, I had observed him sitting on his horse, apart—his bent and broken rifle resting across the saddle before—his hand, stiff with dry gore, clutching it convulsively—his chin resting upon his breast—while now and then his flaming, blood-swollen eyes would throw out a light from under his thick brows, as he glanced suddenly at the scalp hanging at Castro's belt, to be withdrawn as quickly—while his hairy lips would quiver with low mutterings. Castro, after giving us, in picturesque language and actions, a short sketch of his fight with the Comanches, which, it seems, had been a sharp one, set off, under the lead of Bill, with all his warriors, up the river, while we started on the direct route for the Colonel's Rancho. A sharp ride brought us in sight of it. A horse was standing hitched to the picket; and as we rode up to dismount, who should

make their appearance in the door but Antone and Davis! the finery of the latter somewhat bespattered, to be sure, but he looking as impertinent and self-satisfied as ever. Hearing some one exclaim, behind me, "Jack, I will, by Heaven! let me go!" I looked around, and saw Hays struggling with the Bravo, who, with a pistol in his hand, was evidently about to try the curious experiment of bullet-splitting he had spoken of, forthwith, upon the nose of the unconscious-looking Davis. Hays was using all his strength to prevent this—endeavoring to induce him to put off his experiment until Castro and Bill got in, as they would make the matter sure, and then he could do what he pleased; and, after considerable difficulty, he succeeded in getting him, reluctantly, to put up his pistol, and forego, for a short time, the gratification of his curiosity.

Several of the men now approached the fellow, who seemed not to have understood all this, and continued simpering and chatting, in very inquisitive mood, with regard to the success of the expedition, to them as they advanced; but when one of them roughly seized him by the collar, and jerked him from the door nearly upon his face, his mood was suddenly changed, and with all the traitorous malignity of his nature, mingled with the startle of desperate fright in his expression, he fought and struggled with a vigorous rapidity that had almost won his release, when four or five more of our party threw themselves upon him, and tied him with a lariat. He now howled, and screamed, and gnashed his teeth,

till foam fell from his lips, and tossed his body to and fro with the wildest demonstrations of frantic fear and fury; but it was of no avail. These men sat by and smiled; and when he threw his eyes around, after exhausting himself in his fruitless efforts, with an imploring look, and read in those pitiless eyes the certainty of his doom, he threw himself upon the ground, with a shriek so keen, so shrill with utter despair, that it pierced to my very marrow, and made me shudder, for months afterward, when I thought of it.

Master Antone had most unaccountably disappeared. The men, meantime, were sitting around in groups, quietly chatting, and casting their eyes occasionally in the direction from which Bill and the Indians were expected. It was but a short time till Castro made his appearance on the hill. He was leaning over his horse's neck, looking closely at the ground. The position in following a trail carefully was familiar to all, and every man sprang to his feet, and watched, in breathless silence, the result; for they all knew that Indians could track a particular horse among fifty others. Castro did not look up for a moment; and I never saw such eager, fixed excitement upon the faces of men, before, as marked those of this group, while the Indian slowly, but directly, approached us. When within five paces, he raised his head, and fixing his eye upon the horse that had been standing there before and since we arrived, pointed his finger at him, and said, "That him!" This was Davis's horse.

THE SPIRIT OF LIBERTY.

"The great end of society, is to protect the weakness of individuals by the united strength of the community; and the principal use of government, is to direct that united strength in the most effectual manner."—*Blackstone*.

FROM the beginning of time, three things have been sacred among men: their Liberty, their Religion, and their Honor. For the first, they appointed *laws*; for the second, *creeds*; and for the third, *manners*.

Administrators of the Law, incorporated in a State, have always been the guardians of that liberty which the individual found himself unable to defend. Ministers of Religion assume the care, and preserve the purity, of creeds, founding them, according to their knowledge, in eternal truth. Persons of a nature honorable and dignified, establish, irresistibly, by fair example, the manners of decency and fellowship. These three, therefore, the State, Religion, and the Manners, harmoniously govern the world.

But, because of the imperfection of *creeds*, the inadequacy of *laws*, and the corruption of *manners*, this harmony has been often interrupted. The two elements of the creed of creeds, *works* and *faith*, sounded rudely apart, have made so horrible a discord that the skeptical have shut their ears to them, and the impious laughed them to scorn.

The two principles of fellowship, magnanimity and the love of praise, contending separately, have disturbed the level of equality, and set up aristocracy on the one hand, and mobocracy on the other; insisting that men should take for their example, not an honorable equal, but either a fickle multitude, or an usurping superior.

Lastly, and worst of all, unjust and oppressive laws, emanating, not from the natural guardians of liberty, but from the mob, the aristocracy, or the priesthood, have so defaced the fair front of equity, that it has resembled an Evil Principle, sent upon men for their sins.

No nation has as yet arisen, in whom elegance of manners and purity of faith were united under an equitable government; for of those who had good laws, the manners were rude, or the worship superstitious. If any have cultivated courtesy, they regarded justice the less; and of those remarkable for superstition,

none have appeared whose laws and manners were either just or pure.

In this nation, if in any, good laws should be united with good manners and true belief; for we have our Scriptures from the purest, our manners from the most chivalrous, and our laws from the wisest, sources. Laws, creeds and manners, being a growth, not of ages, but of centuries, are never to be treated like some new invention or sudden device. On the contrary, men regard them as the most venerable of all things, and have a secret persuasion of their divine origin.

It is, therefore, the greatest privilege, if not the right, or the duty, of the citizen, to investigate the law, the religion and the manners under which he lives, and, if it seems necessary, to declare his opinion of them. And because every generation of men must gather all wisdom anew, beginning with first elements, (no man being born with more than a faculty for wisdom,) the principles of right must be continually investigated and rediscovered in their elements, lest the experience of the past should seem of no avail.

For a nation of freemen, willing to transmit and perpetuate their liberty, the study and investigation of its spirit and principles is indeed essential,—liberty being a something proper to each citizen, and acquired or not acquired by him, according to his nature and education. For, if liberty consists only in free actions, it is of those actions which are proper to men, and not to brutes. The actions of men are jealously guarded by the sense of right or of justice; and the rules of justice, written and recorded, become laws. To be free, therefore, it is necessary to act within the limits of conscience and the law; for to violate conscience is to lose internal, and to violate law, external liberty.

If that is *free* action to which men are impelled by sensuality, passion, superstition, avarice, pride, or vanity, it will be necessary to find some other name for the kind of freedom which is so jealously

guarded by our laws—the freedom of acting justly.

It is, therefore, a matter of the first importance, that every citizen should have learned, or have been taught, the first principles of justice, that when of age he may enter on the possession of his birth-right.

Of the preservers and defenders of freedom the State has three orders, namely, *legislators*, (or law-makers,) *judges*, and the *executive*. The duty of the first regards the future only; their business being to ascertain what is *for the good of all*—in other words, what is *just*. Having ascertained this, as far as in them lies, they declare their opinion. No person will make any question whether a legislator should know how to defend his own liberty, i. e., should know justice. But there are two kinds of legislation: one which *originates*, and another which *declares* only, an opinion of what is best for the common good. The voters very frequently appoint men to be legislators whom every one knows to be quite ignorant of justice, and therefore incapable of legislation. In such cases it is provided, that the so-called legislator shall promote certain laws, previously determined or declared, by just men, in whom the greater number of the people confide. Of the two kinds of legislators, the second, being mere agents, need only to obey their constituents; but for the other kind, the true law-makers, it is evident their knowledge of justice must be the greatest possible, for they have in charge not only their own but the common good. Having a care of the future, the true legislator is endowed with a forethought resembling that of Providence, or, to speak humanly, that of an economist, who provides wisely for his family. But his beneficence is necessarily limited to the people for whom he legislates; nor is it lawful for him to indulge in generosity, or to give away, in a liberal manner, the property of his constituents.

If the virtue of the legislator is that species of justice which provides against aggressions upon private right, and as far as possible promotes and perpetuates it, his function surpasses all others in dignity; for with him it lies, not only to defend, but absolutely to create liberty.

That this is true, appears from his control over the instruction of youth.

As an economist, he provides for public expenditure; as a law-maker, he defines rights, and anticipates aggressions; as the sole and proper guardian of freedom, he directs the education of the people, that they may have knowledge of their rights.

If the legislator is appointed for the protection of freedom, then is he the guardian of public morals, which are its only basis. If men injure themselves and others through ignorance of what is just, his paramount duty is to do away with this ignorance. Whatever is necessary to the exercise of a duty is a part of that duty. But the legislator cannot perform this duty with an unjust people, governable by terrors and edicts. He may, therefore, with greatest justice, employ all his power to increase and perpetuate that knowledge which is necessary to freedom—the knowledge of virtue and of right. If it can be shown that the duty of providing for the instruction of the young in that knowledge which is necessary to the enjoyment of their birth-right* belongs to any other authority than that of the legislator, he is released from such duty. What, then, are the powers of the State, or of society, whose authority entitles them to assume or to compel the instruction of the young in this necessary knowledge?

The authority of a parent is evidently sufficient for this purpose; but to instruct another, even in what we know ourselves, is a work of art and difficulty; and it happens that many parents, having neither leisure nor skill to instruct their sons, even in elementary morality, leave them to a miserable hope, and the chance of good or evil. It appears, therefore, that private education is insufficient for the end in view. Much less can the virtues necessary to freedom be taught by *social* influences, even the most refined; for these influences have no other aim than to elicit certain delicate sentiments of praise and honor. Excellent aristocrats, and hearty democrats, may be made by good-fellowship; but no man is a good citizen by virtue of these qualities alone.

If neither private instruction nor social influence is adequate to the defence and perpetuation of freedom, let it be

* If all men are not born literally free and equal, they are, at least, with the right to be so, if they can.

inquired whether this duty might fall upon the ministers of religion, if the people saw fit to intrust them with it. Before entering on such an inquiry, it seems proper to examine, and if possible to attain a clear conception of the priestly office, through a knowledge of the principle under which it rests, the duties which it prescribes, and the power which it exerts.

Of the three principles—*Obedience, Justice, Honor*—which fill out the circle of Reason, the last named first appears in the exercise of love and courage, being the master of the passions, and the *reason* of youth. It deserves, therefore, to be first considered in the order of the governing powers. The praise of perfection belongs to Justice, as a thing more difficult and of later origin in the soul. But Honor first appears as the forming principle of society, when men issue from barbarism and begin to live according to certain *manners*. Honor, therefore, as the reason of love and anger, is the originator and founder of manners, without knowledge either of a right or of a law. A youthful and barbarous honor becomes, in this manner, the precursor, but not the parent, of the Law. To this, then, Justice succeeds; originating first in self-defence, in bargains, and in transfers of property, and soon after taking under its protection all that is necessary to life, and to its enjoyment. Patriarchs and Prophets, inspired with divine Justice, proclaimed its requisitions under the authority of God; and, in so doing, built up the eternal barriers of liberty. Unable, by reason of the ignorance of men, to inspire them with the liberty of the just, they trusted to an inferior virtue, and forced them, under terrible sanctions, to *obey* the laws which they could not understand. To these they added rites and ceremonies, significant of truth, and appointed a priesthood for their perpetuation and observance. But because it was necessary that the priests who administered the rite should know its meaning, they became the depositaries of divine knowledge, and of all that then existed either of science or tradition. Five centuries before the Christian era, a new order of men, the Philosophers, who separated knowledge from belief, and history from false tradition, began to form itself in the cities of the Mediterranean. They first endeavored to reduce morality to a science, by showing that divine Justice is evinced, not only by revelation, but by the order of Nature.

Establishing various systems of argument, tending all to this one end, they originated sects and schools, which were soon after blended with the sects of Christianity. The Fathers of the Christian Church, though they put their trust in revelation, were unwilling to neglect these ancient defences of the truth provided for it by the Greek Philosophy, and with the greatest diligence assumed to themselves everything that might be of use in the warfare with heathenism.

The divine, or theologian, had now a double responsibility, as the expounder of revealed and human law, being master equally of both. The power of the priesthood was thus wonderfully increased; and, from the eighth century, the hierarchy re-asserted for a time its ancient authority. With the revival of learning in the middle ages, philosophy and science were again separated from theology. A second war between science and belief began to agitate the world, and continues with various fortunes until this day. The history of this war is a continual proof that a hierarchy, intrusted to preserve a ritual and creed, knowing no virtue but obedience, and no knowledge but tradition, may become the masters, but cannot be the instructors, of mankind. The ritual and doctrine of a church being revered by reason only of its mysterious source, it produces in its votaries the effects of truth, so far only as it *symbolizes* truth; and if misapplied or misconstrued, must have the effect of falsehood. Between the founder of a creed or ritual, and those who receive and propagate it, there is this difference—that the founder conveys a meaning under his symbol, which is lost upon his ignorant follower; but he, (the latter,) full of obedience and jealous care, keeps guard over his beliefs, as a faithful dog defends the treasure which he cannot use. There is no example in history of a hierarchy teaching any other virtue than obedience. But if this be true, it is impossible that such a body should ever be instructors in that liberty which law protects. The doctors of the church, reversing the true order of reason, adopt their dogma, and then seek for its proof. The "lover of wisdom" adopts nothing, and relies on no external or traditional evidence; exercising always that nameless power which discovers divinity in the written, as in the visible, Word. So immense and insuperable is the jealousy of superstition, it will not endure true knowledge, even

in the aid and confirmation of its creed, but threatens death to any one who would lighten its burden, or take the yoke from its neck. The fierceness of its literal zeal converts the most sacred symbols into lies, and gives a heathen aspect to the form of Christianity.

All truth may be either symbolized or directly expressed; but every symbol is necessarily imperfect, and signifies much that is extrinsic to the truth for which it stands. Hence it happens that from the literal rendering of symbols and parabolic precepts, a thousand absurdities are thrust upon the ignorant, who accept all for the sake of the good which lies behind. Philosophy endeavors to separate the pure truth, and to form a direct and communicable idea of it. Reformation shakes off a part of the incumbrance, and Scepticism rejects the whole, together with the truth which it conveys. It appears that religion and philosophy are equally necessary to the preservation of the ancient truth; for the one interprets what the other mystically declares. Philosophers* have made it their duty to assert the Liberty of Reason against blind obedience; and have been the sole instigators to that virtue, "whose seat is in the bosom of God, and whose voice is the harmony of the world."† Under the name, therefore, of Philosophers or "lovers of wisdom,"‡ all must be included who have advocated moral liberty against hierarchy and tyranny; whether they received their wisdom from its divine source, or accepted it from others who had so received it. These are they who made "the yoke easy and the burden light."

To them, and not to a priesthood, it must therefore be given, to show by what means liberty shall be perpetuated. With one consent, the wise of all nations and all ages have declared, that the virtue of a people must be developed, if at all, by early education, and that the care of education should be committed to the legislator. The institutions of all the nations of antiquity looked mainly to this end. The maxims taught were such, always, as should perpetuate the system of the State. Hierarchies inculcated obedience; Democracies, equality; Aristocracies, to preserve the rank of families. The Greeks, living in a state of war, instructed their youth in the virtues neces-

sary to conquest. Just in proportion to the care and wisdom of legislators upon this point, the laws they instituted have endured.

Our Norman ancestors, in sustaining a religious establishment, acted on the experience of antiquity; for they regarded their clergy as the preservers, not only of a ritual, but of the truth which it symbolized, and saw united in them the spirit of the priest and the wisdom of the sage. While this clergy defended the faith, they advanced continually in a better knowledge of it, subjecting all dogmas to the discipline of reason. Under the Churches of England and Scotland religious and civil liberty reached maturity together. But even with these, the doctrines of blind obedience prevailed so far, by an old corruption of the blood, as to multiply sects, and breed incurable miseries in the State.

As far as possible to escape these miseries, the framers of our Constitution refused any longer to sustain a church, and extended liberty of belief to all; trusting that each community would provide for its own instruction in morality, and choose its own ministers of religion.

We are not therefore to suppose in them an ignorant carelessness, or a contempt for the office of religion; but only that they held it to be unjust, that one man should be taxed for the religion of another; and there is little doubt, that public instruction in the principles of virtue and religion would have seemed to them an object of the first importance, and to be sustained by legislation, had it been possible to establish a religion or a system of morals, in which all dogmas and superstitions might be reconciled and dissolved. The difficulties which forbade them to attempt, or even to look forward to such a consummation, seem not less insuperable to this age; and men despair, as ever, of beholding it. *Meanwhile, the moral nature remains the same as when [a hierarchy sowed it with other seed than that of liberty].* The legislator has reassumed the guardianship of instruction; but either from too modest an opinion of his power, or from a secret fear of meddling with things sacred, he employs it in a faint and ineffectual manner. Of the "e-ducation"—literally, of the bringing out—of justice and free vir-

* "Lovers of Wisdom."

† Hooker.

‡ More properly "of Justice:" they being the *sophoi*, or truly wise, who knew Justice.—*Antiquity.*

tue from the darkness of each man's soul, while they are yet near the surface, and with a little care in opening the soil, might be brought to flow abundantly;—of such an education legislators are diffident; notwithstanding sacred and vulgar proverbs, and the common belief, that justice and true liberty are not only communicable things, but that they are the true end and purpose of all communication, as they are of all legislation.

Since the philosophy of Utility has prevailed over all others, and everything is despised that seems to be of no value to the happiness of man, it has become necessary to show that a thing is serviceable, to secure for it the least regard. The utility of letters and arithmetic has been urged with such argument, that the people, almost to a man, are willing to be taxed that every child may share in the benefit.

But the indisputable aim of such an education is to make good citizens; not for the State's sake, but for their own. For, if a government legislates for itself alone, or, for the "Nation" as "*a body to be governed*," and not for "*the liberty of the Individual*," the sure policy would be—what the policy of hierarchies and aristocracies has always been—to keep the people in ignorance, or to teach them "*the virtue of obedience*." Not for his own, or for the State's utility—nor for that of corporations, or sects, or occupations, or for any imaginable civil phantasm—nor yet for "*the majority*"—the legislator imposes laws; but for each man's good, that his rights may be observed, and his liberty and life perfected and defended.

If that freedom which the law defends, were a thing simple, and of a nature easy to be known, no dispute could have arisen as to its character or essence. But the contrary is true; for nothing has been, or is, more disputed, than the nature of true liberty. There is a "*liberty*" of destruction, which all men understand, and multitudes claim as a just right—seeing fit to destroy themselves and others, by various and insidious methods. But of this kind the law takes cognizance only to suppress and quell it; as the enemy of that *true Liberty* which exists together with justice. Of this latter, on the contrary, the law takes infinite care, (as is well known,) as of the most useful of things; with which all other utilities are in comparison contemptible. But of this, even, there are several kinds; the social or political, being distinguished from the legal or civil, and from the re-

ligious. But the legal is regarded as the principle and origin of all. Whoever submits to receive his doctrine from another—not daring to use his own reason thereon—cannot be said to enjoy a freedom of religion or of conscience; though the State protects him in his worship, and defends him from persecution. He enjoys a civil, or legal, but no religious freedom. Nor is the servant of any master, or the follower of any party, politically or socially free, if he suffers aristocracy or democracy to thrust him from a true opinion of his own and the common good. They, therefore, are without political liberty who follow the fashion of the mob, or hold opinions injurious to the liberty of others; though their *legal* rights, freedom and equality before the law, are unimpaired. To suffer either of these losses, is to suffer a partial loss of liberty, though not of civil rights.

In these, our laws protect us, as in a natural right—a right, not given by charter, but by the goodness of God, which no man can envy. None but an idiot takes pride in a right which he cannot use; but it is more than probable that myriads of the free-born never come to the enjoyment of their three-fold freedom. They therefore might be the last to boast of this right which they cannot use, if they had been truly instructed. When it happens that every free-born citizen come of age enters on the use of that liberty in which the laws so carefully protect him, the end of all legislation will have been attained. But now it happens otherwise. True freedom being a quality of the man, belonging to him together with his courage and his honesty, can be taken from him only by advantage of his ignorance, or by the loss of his virtue. For ignorance, there is a remedy in better knowledge; but for that voluntary loss of freedom, in the spirit of a man enslaved by vice, no remedy has been found, nor any cure suggested. Orators address the spirit of this freedom, when they urge a nation to revolution; patriots who die, and statesmen who live, for their country, continually cherish it in others and in themselves. But now, even in the midst of freedom, many are persuaded to resign their title to it; and moving its defender, Justice, from the place of honor, they erect instead a new autocrat—the Will of the Majority—which, it is said, makes the law.

Advocates of this new tyranny, declare that law is the decree of "*the People*," as by courtesy it is now customary to name the majority. How, they argue,

is it possible for a multitude—for the majority—to err? wishing to forget the precept which forbids us to follow a multitude to do evil. Aristocracies, with equal argument, contend for the infallibility of the best. The best, say they, know best what is just and expedient, and should therefore govern. The true republican, who understands his own rights and those of others, will have no *Will* to govern him, but Justice only—the Will of God. Only when the voice of “the People” is for justice, will he admit that their voice is the voice of Deity. And no less so is his own, when he *alone*, for justice, cries against a nation,—the word is then, *vox mei, vox Dei*, and not, *vox populi, vox Dei*. A free citizen casts his vote; but it is opinion and not will that goes with the vote. The vote is a judgment—a verdict—not an exercise of will. Is any man so base, he will take a multitude to be his master, or yield a jot to their *will*? When, therefore, the good citizen yields to the majority, he yields to expediency and weight of opinion, and not to the “will” of a multitude. It is *probable* that “the majority” will best determine what is expedient; for that in a “multitude of counselors” there is wisdom, but not in a multitude of wills. Every citizen is one, therefore, of the mighty council of the nation, but as little assumes to thrust his “will” upon his neighbor, as he greatly scorns to have that of a multitude thrust upon himself. The cant of popular “will” he leaves to those who neither possess nor understand true freedom. This, then, is the mystery of free government, opposed alike to oligarchies, and the tyranny of a multitude,—that not WILL but justice is its governing principle; and that within the limits of this principle every will is left free. Because the ignorant and the designing perpetually thrust forward some other principle instead of justice and the common good, though always under pretence of these, it becomes necessary for each generation to rediscover for itself the right idea of liberty, and for each citizen to repeat its truisms with a painful assiduity. May the time come when the care of legislators shall provide that every man shall be early instructed in the knowledge of his rights. It is reasonable to believe that the establishment of such instruction would be equivalent to the establishment and eternization of those rights.

Liberty, like divinity, is better under-

stood by what it is not, than by what it is. Two principles, false honor and false obedience, keep up an eternal war with it. In aristocratic and democratic anarchies, false honor overcomes it: in hierarchy, it yields to false obedience. If the manners of the people incline them to anarchy, might overcomes right, and they rule who are *strongest*, be they the many or the few. If the *ignorance* of the people fixes them in superstition, belief is put before knowledge, and those govern who *know* most. But with us, a constitution has been established between these extremes, and free of both. Rather than commit its liberties to a few, the nation resolved itself into a council, of which every citizen should be a member; all agreeing to abide by the opinion of the majority. The committee, or representation, of this council of the whole, assemble annually to consider and declare what is for the common good. Here, also, the majority decides, each man giving his judgment for or against. It is not, then, in any sense the *will* of the legislator, which makes a law valid; but his opinion of its justice or perfect expediency.

Whatever is declared to be expedient by the majority of opinions of the whole nation, or only of a council deliberately appointed by them, is agreed to, and submitted to trial whether it may operate well or ill; if well, then it is held to be both just and expedient. The duty of the legislator ends with proposing laws which he thinks will prove on trial to be just. But these, to be of any avail, must be confirmed by a will that is able to enforce their execution. The nation, therefore, by another universal assemblage and vote, appoint an Executive or Supreme WILL, who shall put the laws in operation, but who shall exercise no more authority in regard to private rights, than belongs to any other citizen. Because it is every man’s *will* that justice shall be done, and the common good regarded, as well for his own as for his neighbor’s sake, this universal agreement of volitions may be rightly represented by that of one man. It is already one and the same in all men. Any citizen of known ability may therefore represent it; but he only will be chosen whom the majority decide, or vote, to be most fit. The *will* of a majority, it seems, neither makes nor executes the law; but the *opinion* of a majority decides on every course that is to be tried for the common good; and the same opinion, or vote, is

taken to discover, if possible, who is best fitted to *will* the operation or execution of the laws.

But this power, asserted by every freeman, of giving his voice and opinion upon all questions which concern his own rights, is evidently a *right*, and not a franchise, or gift from a superior. If the casting of a vote were an exercise of *will*, it would be of necessity a franchise, or *privilege*, for which a special authority should appear, as the gift of a superior. The right of voting, on the contrary, miscalled a franchise, or privilege, is as clear and natural a right, as any recognized in the common law. For the common law considers every adult man as the equal of every other, in regard of his rights, whether of action or possession, and will not suffer another to control him in the use of them. But it is a part of the duty of the national council, appointed by the voters, to decide what share of his property each man shall pay in the form of taxes. The possession of a tax-paying property must, therefore, entitle an adult citizen to a voice in the disposal of it. As the guardian of his own estate, he may protect it as he is able, against exorbitant and unnecessary taxes. But his whole ability to do this lies in his giving an opinion, or vote. It is therefore evident, that every sane adult man, possessing a taxable estate in any community, has a natural right as its defender to give in his vote or opinion regarding its taxation. But the right is in the man as possessor, and not in the thing possessed. It is right in general, which the law considers, and not the quantity or extent of right. I am as perfectly entitled to what I possess if it be more, as if it be less. The poor man, therefore, possessed only of his clothes and implements of agriculture, is as well entitled to them as the farmer to his land, or the trader to his stock. Everything in a civilized community is directly or indirectly subject to taxation, and the price paid for clothes or tools, includes the taxes paid on the land which produced their material. Every least species of property is liable, also, like the more precious kinds, to theft and malicious injury, in peace as well as in war; and the conclusion is most evident, that, as far as the payment of taxes entitles to a vote, every freeman has that title, be he rich or poor; and as far as the necessity of protection entitles to a vote, every freeman has that title. But when it is considered, that the

objects of legislation and legal protection are not only possessions but life itself, and everything that makes life desirable, how evident is my right to deliberate and give an opinion for the choice of one who is to be my protector or legislator. The right of voting and deliberating, it appears, is no franchise, or privilege, but a right given by nature and justice, subject, like that of property, to no limitations, excepting those which are necessary to its preservation. Being established among the most sacred of all rights, the greatest care will of course be taken against its violation or abuse. A vote being an *opinion*, or judgment, according to apparent right, none but a sane man can give it. A child, a lunatic, or a man intoxicated, cannot justly be permitted to cast a vote, or give an opinion in legislation. The time may possibly arrive when no drunkard or openly vicious person, much less any one convicted of a crime or defalcation, will be suffered to vote; for it is necessary that whoever is incapable of using a right should be deprived of it, for the same reason that dangerous persons are deprived of their liberty. For the same reason, also, it becomes necessary that foreigners should be excluded from voting, for they are unable to form a free judgment concerning the law, or the man for whom they vote. But when a foreigner has resided in any community so long as to have acquired a thorough knowledge of its customs, there is no obvious reason why he should not be allowed to vote, under the same restrictions with a native.

The right of casting a vote being founded in justice only, it is evidently necessary that the voter should have been educated to a knowledge of justice, and have been accustomed to liberty; else he is not able to cast a free vote. Emancipated slaves are consequently unfit for the exercise of this right, at the instant of emancipation; but, if it be possible for a people educated in slavery, or inclined to slavishness and blind obedience, to have a knowledge and sentiment of justice, it is evident they may be allowed to vote.

Every man who gives an opinion in the form of a vote, declares himself, in so doing, to be the *equal* of those with whom he votes; which is only saying, that he holds all the rights which they hold—as, of life and limb, property and opinion. An incarcerated debtor or criminal, cannot, therefore, vote with freemen, being their inferior by the loss of his liberty.

If women were allowed to vote with men, the reason would be found in their equality before the law. But there are arguments against admitting women to the right of voting; as, that their judgments are inevitably biased by emotions at variance with those severer principles on which rights are founded; that, being lovers of glory and its natural patrons, they incline to the magnanimous and the ambitious, and too easily admit social reasons before those of greatest expediency, or greatest apparent good.

If it is sufficiently apparent that the opinion, and not the *will*, of the nation is expressed by its vote, but that the will of *every* just citizen in regard to the execution of laws is *represented* in the act of the Executive, or President—the spirit of liberty rejecting any other doctrine as unworthy of its supremacy—it remains only to examine that third function of the State which exercises a jurisdiction over private rights, deciding between man and man what are the rights of each; to ascertain whether in this form of power any arbitrary or popular will can be discovered, or any exercise of mere authority, to make right wrong or wrong right.

Rights, being either of the future or of the past, all questions of right are divided between the legislator and the judge: the legislator ascertaining what in future shall be the bounds and conditions of all common and universal rights; and the judge, or jury, investigating and estimating particular wrongs, suffered by the community or by individuals, with a view to restore the equilibrium of justice. Hence arise two species of law, the statute and the common law: one imposing limits, or deciding what shall be considered just for all; the other, what shall be considered wrong in particular instances. Every common or universal right has been made a subject of legislation, and of statute, either anciently or of late. The *laws*, therefore, or principles by which the judge is guided in his decisions, are of popular origin, having been established as rules of opinion by the vote of legislatures, or of the nation. But they are founded in apparent justice, and are in no sense emanations from a human will. Though it sometimes happens that the legislator acts as judge, and the judge as legislator, these are rare instances, in exception, or in violation, of the rule, that legislation is for the future only, and judgment for the past.

The function of the judge is also execu-

tive; but so far, only, as he enforces the execution of the law in particular decisions of right between man and man. But the judge cannot force a nation, or a community, to observe his decision; this power residing only in the Executive, or elected *WILL*. If a criminal is condemned, it is the judge, and not the jury, which condemns him; so far, the judge, therefore, and not the jury, represents the *will* of the community—a *will* to see the law executed, which is the will, not of a majority, but of all freemen alike. The Athenian assemblies adjudged men to death by the *vote* of majorities; a dreadful injustice, which threw every man's life upon the mercy of a party. The consequences were such as might be guessed, and led to the ruin and extinction of Grecian liberty. Not the will of the jury, (for they are only a committee of inquiry,) but that of the judge, condemns the criminal; and this *Will* operates within the letter of established law, as given by the legislation in the council of the nation. But a *will*, so exercised, is not, in effect, the will of an individual, but is one with that of every good citizen; and the judge is he, only, who knows the law, and is therefore able, (and he alone is able,) to exercise this common and human will within these limits.

In the Judiciary, it appears, as in the Legislature and Executive, the Spirit of Liberty refuses, equally, the will of many and the will of one; and can have no master but that universal one, which is in every honest mind.

It is usual to speak of three kinds of Freedom: the Civil, the Social or Political, and the Religious. If it is sufficiently evident that civil freedom consists in a government of justice, to the exclusion of arbitrary authority—whether of the one or of the many, of the part, or of the whole—then, it is equally apparent, that every honest citizen is, of himself, and alone, an epitome, or brief abstract, of the State; for the liberty by which he lives, and by which his life is guided, and without which he acts irrationally and becomes a slave, is perfectly the same with this public liberty so jealously defended by the law. Nay, every good man is strictly a judge to himself, and a legislator to himself, and his will is a limited executive.

From this cause it must happen, that the constitution of a nation shall represent the natural character of the people. Let them be of a slavish and superstitious race, the fault will make its appearance

in their laws; let them be naturally unjust, but full of courage and honor, their constitutions will take from these qualities a tincture of barbarism—contemning the weaker classes, and favoring the bold and violent.

In every man's breast, therefore, and not in old records, constitutions were founded; and there, to this day, must have remained: and if it is true that the laws of our age are juster and wiser than those of old, the reason must be sought in the men who made them, and the people who received them. The much-talked-of "progress," is, then, a progress of each man's virtue; every citizen becoming better and wiser—by the favor of God. The same considerations make it certain, that there is not a shadow of difference between that famous liberty of "the just," who "live by faith," and this liberty of the citizen, which makes free constitutions and just laws. For, if there was any such difference, then, in every breast, there would be two freedoms and two wills—both absolute, and both immortal; offering each a model of Supreme Justice—which is inconceivable and absurd. So, then, happens it in the State, that "Liberty of Worship is granted to all men;" for the legislator believes that the teachers of the one kind of Liberty, inadvertently or knowingly confirm the other. Every citizen may worship according to his conscience—that is to say, according to Justice; (for if conscience is not the knowledge of justice, what shall we say that it is?) They who have the freest conscience will offer the best worship;

and the same will best obey the laws, or be the best citizens. Under this feeling, a sublime rivalry springs up among sects: proposing all one purpose—to gain the greatest liberty of soul—they strive together, as emulous of Divine favor.

Society, also, has a liberty of its own, which may be identified, like that of religion, with the first and primal kind of freedom, and which appears in a spirit of generous equality, not without reverence, nor incompatible with justice.

This social liberty presides in an equitable and dignified manner over the affections and passions. It fires the soul with a spirit of universal honor, lifting the humblest to an equality with the highest. It creates an affection between the living and the dead—linking the ages in a chain of love. Leaving it to poetry and tragedy to unfold the mystery of Social Liberty, and to philosophy and divinity to discover that of Faith, the citizen needs only to be satisfied that their natures are one in essence. Like a Janus with two faces, looking towards the future and the past, one regards the Church, the other the world. The soul which informs both, can be no other but that unseen Power which the citizen discovers in his judgment of State affairs and public good. Mystically speaking, it were impossible to find a true difference between this all-informing spirit of Right, for which our ancestors fought and died, and that very Human Soul, or image of Divinity; for none but an immortal can despise death, and none will die, but for something which is immortal.

J. D. W.

MONNA.

BY W. GILMORE SIMMS.

I.

It was, methought, a stedfast eye,
That once I loved—I love it now,
And still it looks upon my brow,
When all is darkness in the sky.

II.

It could not change though it has gone:—
For, twas a thing of life,—and so
It might not, with the body, go
To that dark chamber, damp and lone.

III.

It had a touch—a winning touch—
 Of twilight sadness in its glance ;
 And looked, at times, a dewy trance
 That made me sad I loved so much.

IV.

For life is selfish, and the tear
 In one we love is like a gloom ;
 And still I wept the stubborn doom
 That made a thing of grief so dear.

V.

Through sunny hours, and cloudy hours,
 And hours that had nor sun nor cloud,
 That eye was wrapt as in a shroud—
 Such shroud as autumn flings o'er flowers.

VI.

It had a language dear to me,
 Though strange to all the world beside ;
 And many a grief I strove to hide
 Grew sweet to mine idolatry.

VII.

I could not stay the grief, nor chase
 The cloud that gloomed that earnest eye ;
 I gave—t'was all—the sympathy
 Of woe,—whose sign was on my face.

VIII.

Twas on my face,—twas in my heart ;—
 And when the gentle Monna died—
 The maid I loved—I never sigh'd,
 But tearless saw the light depart.

IX.

They laid her coldly in the tomb,
 And took me to my home away,
 Nor knew, that from that vacant day,
 My home was with her in the gloom.

X.

They watched my steps, and scanned my face ;
 And when they watched me I grew stern—
 For curious eyes have yet to learn,
 How sorrow dreads each finger-trace.

XI.

Mine was too deep a love to be
 A common theme for idle tongue ;
 And every word they uttered wrung
 My spirit into agony.

XII.

I live, a lone and settled wo ;
 I care not if the day be fair,
 Or foul ;—I would that I were near
 The maid they buried long ago !

HERALDRY.*

It was a pretty fancy of one of our elder dramatists, that the successes and revulsions in human affairs were precisely on the principle of an ocean-wave, which retires from the beach upon which it has hurled itself, but to return again with a force increased or diminished according to circumstances; but still to return, in the language of Longfellow, to

“——break
Upon the idle sea-shore of the Mind.”

To reduce this abstract principle to the concrete, is but to excite the reaction which now pervades the Anglo-Saxon world, in regard to the reverence for the time-worn usages of yesterday. For a century and-a-half, the things pertaining to antiquity have been gradually falling into disuse, until at length this contempt has reached its ebb, and the tide sets the other way. The effects of this reaction need not be cited. They are to be found in the recent excitement in the Church of England concerning the Ancient Ritual, and, in a more long-lived form, in the party known in the Trans-Atlantic world of politics as “Young England.” Witness, also, the more romantic effusions of all the authors of the present day, and chiefly of him who divides with Bulwer the throne of English Fiction—the author of *Sibyl*. Such is the extent to which this feeling is carried, that its advocates already tremble for its permanency, fearing that its very violence will prove its own destruction. We can sympathize with the nonplussed father in the vicinity of Oxford, whose daughter complains that her mother refuses to lead off a Christmas ball in a measure with the family butler, and insists upon her papa’s erecting her an Elizabethan pig-sty. Such cases are, perhaps, not uncommon. But one of the most beautiful effects of this innovation upon the utilitarian spirit of the age, is to be found in the increased attention which is now paid to the study of HERALDRY. As a leisure amusement, we can imagine none more befitting or interesting to an American gentleman, who dates his origin from an European stock.

Surely there can be nothing offensive to the purest Democracy, in a man’s being proud that his ancestors were honest men; “that all the sons were brave, and all the daughters virtuous,” provided that he does not force the feelings of others to keep pace with his own, and that he bears in mind the apothegm of Pope—

“What can ennable sots, or fools, or cowards?”

Alas! not all the blood of all the Howards.” Why should we pay more regard to the pedigree of Durham heifers and Golphin nags than to our own?

At all events, this feeling appears to have seated itself very firmly in the esteem of a certain portion of the literary world of Great Britain, as appears from the publication and *getting up* of a series of works upon this subject within the last few years, among which will be found that the title of which heads this article. To look upon this volume, one would say that the art of Chromo-lithography had, in it, been carried to the summit of perfection. To the encouragement thus given, the author, in the preface, promises a liberal return.

“A recent writer observes,” says he, “that the language of Heraldry is occasionally barbarous in sound and appearance, but it is always peculiarly expressive; and a practice which involves habitual conciseness and precision in their utmost attainable degree, and in which tautology is viewed as fatally detrimental, may insensibly benefit the student in other more important occasions. But Heraldry is useful on higher grounds than these, and particularly as an aid to the right understanding of that important period of the history of Christendom, the reign of Feudalism. An eminent French writer, Victor Hugo, declares, that for him who can decipher it, Heraldry is an *Algebra, a language*. The whole history of the second half of the middle ages is written in blazon, as that of the preceding period is in the symbolism of the Roman Church. To the student of history, then, Heraldry is far from useless.”

* The Curiosities of Heraldry. By M. A. Lower, author of the History of English Surnames. 1 vol. 8vo. pp. 319. London, 1845.

Fully agreeing with our author, we will take the liberty of differing with some of his predecessors, with whom, judging from his tone in divers parts of his works, he seems to be on terms of familiarity, rather than respect. Nevertheless, despite the candor he exhibits in disallowing the absurd claims of some of the over-zealous advocates of his subject, Mr. Lower occasionally makes a slip himself.

From the curious list of the various treatises on Heraldry which we notice, the inference is clear that the author must have had access to, or must himself possess, a most unique library. Let us briefly glance at the contents and titles of one or two. One of the earliest productions of the English press bears a particular reference to this subject, viz: the far-famed *BOKE OF ST. ALBANS*. Its authoress has become renowned in the annals of Roxburgh and of Althorpe, in the pages of Dibdin and Brunet, to an extent she could not possibly have ever dreamed of, through the scarcity of her famous tome,

"Now cheaply purchased at its weight in gold."

Harken to Mr. Lower's description of it, he having enjoyed a perusal of its pages:

"It was printed within the precincts of the monastery from which it is designated, in the year 1486. This singular work contained tracts on hunting, hawking, and 'coot-armuris,' the last constituting the greater portion of the volume. It is printed in a type resembling the text-hand written at the period, and with all the abbreviations employed in manuscript. The margin contains exemplifications of the arms described in the text, stained with colored ink. This edition, like others of that early date, is now exceedingly scarce, there being probably not more than five or six copies extant. Another edition was published by William Copeland in 1496, and a single copy occurs of the same date, with the imprint of Wynkyn de Worde. . . . The entire work was attributed for the first three centuries after its publication to Dame Julyan Berners, Prioress of Sopewell, and sister of Richard Lord Berners—a woman of great personal and mental endowments. That a woman, and especially the superior of a religious sisterhood, should have devoted her pen to the secular subjects of heraldry and field-sports, at first sight, appears singular; but the rude complexion of the times in which she lived, renders little apology necessary for this apparent violation of propriety; and we may fairly venerate the memory of this gentle lady as a promoter of English literature."

We may add, that from a portrait of Dame Julyan, attired in her monastic garb, which we have seen, no one would infer that she could slay a fly. And with all due deference to Mr. Lower's judgment, we do not think he is entirely correct in his assumptions as to the rude complexion of the habits of her order and her sex in that age. How different is the idea which we draw from that "well of English undefiled"—old Geoffry Chaucer, who spared neither church nor sex in his sarcastic allusions—of the nature of a sister Prioress. The reader must excuse the introduction of a passage, so seemingly irrelevant, in this place. The merits of the verses will plead their own pardon. (Prol. Cant. Tales, v. 118, *et seq.*)

"Ther also was a nonne, a Prioress,
That of hire smiling was ful simple and coy;
Hire gretest othe n'as but by saint Eloy;
And she was cleped madame Eglington.

• • • • •
And sikerly she was of grete disport,
And ful plesant, and amiable of port,
And peined hire to contrefeton chere
Of court, and ben estatelich of manere,
And to ben holden digne of reverence.

But for to speken of hire conscience,
She was sō charitable and pitous,
She wolde wepe if that she saw a mous
Caughte in a trappe, if it were dede or
bleddie.

Of small houndes hadde she, that she fedde
With rosted fleshe, and milk, and wastel
brede.

But sore wept she if on of hem were dede,
Or if men smote it with a yerde smert:
And alle was conscience and tendre herte."

And this, too, a century before the era of the Prioress of Sopewell!

Truly, civilization, as far as Dame Julyan was concerned, was slow in its paces. Yet the language of this volume, although bearing the sanction of a high dignitary in the Christian Church, accords but too well with the sentiments we have referred to. At the present day, it would be, very properly, considered as blasphemous in the extreme. What would be said of a lady or prelate of the nineteenth century thus expressing herself:

"Noah came a gentylman by kinde, and
had iij sonnys begetyn by kind; yet in
theys iij sonnys, gentylnes and ungentylnes
was fownde Of the offspring of
the gentylman Japheth, came Habraham,
Moyses, Aroth, and the profetys, and also
the kyng of the right fyne of Mary, of whom
that gentylman Jhesus, kyng of the londe
of Jude and of Jhues, gentylman by his
modre Mary, pryncesse of cote armure."

Such abominable language admits of but one excuse; that, in employing it, the authoress intended, and doubtless imagined she succeeded in paying the highest possible tribute to the Majesty of the Redeemer. Another extract of a century later in date (*Boswell's Works of Armorie: London, 1597. Second Edition, p. 56.*) will tend to amuse the reader, who may have been disgusted by the preceding quotation. To the naturalist we especially commend it:

"The field is of the Saphire, on a chiefe Pearle, a *Musion* ermines. This beaste is called a *Musion*, for that he is enemie to Myse and Rattes; he is shye and wittie, and seeth so sharplie that he overcometh darknes of the nighte by the shyninge lighte of his eyen. In shape of body he is like unto a *Leoparde*, and hath a greate mouth. He doth delighte that he enjoyeth his libertie; and in his youthe he is swifte, plyante and merye. He maketh a rufull noyse and a gastfull when he profereth to fighte with an other. He is a cruell beaste, when wilde, and falleth on his owne feete from moste highe places, and neyther is hurte therewith. When he hathe a faire skinne, he is, as it were, proude thereof, and then he goeth about to be scene."

Need the reader, asks Mr. Lower, be informed that this "beaste of the rufull noyse," which "falleth from highe places on his *owne feete*," is the common house CAT?

We beg our wearied readers to excuse our dwelling so long upon this, perhaps, to them, "unintelligible jargon;" but we plead our excuse, that in this dialect spake Elizabeth and Raleigh, Essex and Mary Stuart; in this "unintelligible jargon" sung Chaucer and Spencer, Shakespeare and Ben Jonson. In short, it is the characteristic of the golden age of English literature.

The custom of ascribing a prodigious antiquity to a particular family, which undoubtedly was one of the primary causes of the adoption of Heraldry, is common to almost every people of whom we have any account. Among the Spaniards and Welsh, to cite from the enlightened parts of the globe, pedigrees are fondly traced, even at this day, up to Noah, and thence to Adam. Sylvanus Morgan (whose real name, we think, was Waterhouse, the butt of Anthony a Wood,) strenuously contends for the dignity of our first parents, and their right to bear armor, and even goes into a technical description of it. Another enthusiast

laments over the probable ennui of Adam, who could not conveniently have the pleasure of examining his own pedigree!

Among savage nations, our former remarks are universally applicable. No tribe is so rude as not to possess vague traditions of its by-gone glories, and its distinguished or even Divine extraction. The American aborigines furnish the most convenient instances, and, in many cases, (see Catlin, Tanner, Cooper, &c., for their *Totems*, and other devices,) the foundations of a rude heraldry may be plainly traced. We can do no better than employ a quotation entirely embodying our ideas:

"It has been observed, that among barbarous nations there are no family names. Men are known by *titles* of honor, by *titles* of disgrace, or by titles given them on account of some individual quality. A brave man will be called the lion; a ferocious one, the tiger. Others are named after a signal act of their lives, or from some peculiarity of their personal appearance: such as the slayer-of-three-bears, the taker-of-so-many-scalps; or straight-limbs, long-nose, and so on. Some of these, especially such as express approbation or esteem, are worn as proudly by their savage owners, as that of Duke or Marquis is by European nobles. It is not unworthy of remark, that among the North American Indians symbols are employed for the purpose of distinguishing their tribes. The Shawanese nation, for example, was originally divided into twelve tribes, which were subdivided into septs or clans, recognized by the appellations of the Bear, the Turtle, the Eagle, etc. In some cases, individuals, particularly the more eminent warriors, assumed similar devices, commemorative of their prowess. And this, says Mr. R. C. Taylor, an American Antiquary, is INDIAN HERALDRY—as useful, as commemorative, as inspiriting to the red warrior and his race, as that when, in the days of the Crusades, the device and the motto, the crest and the war-cry, the banner and the pennon, exercised their potent influence upon European chivalry."

It might be added, that later ages would have done wisely in adhering to the chaste simplicity evinced by the first employers of significant emblems. A poor reward is it, after a life's toil and labor, to be enabled to raise a smile upon every face by the absurdity of the coat-of-arms bestowed upon you.

Nevertheless, considerable ingenuity is occasionally exhibited in the devices as well as mottoes of some of the heraldic adornments of various families. From

the list of *puining* mottoes set forth by Mr. Lower, we cull the following: To the first upon the roll, that of Fortesque, appertains an interesting historical legend, which, as our author appears not to have noticed, we may be excused for adding here: On the field of Hastings, Sir Richard le Forte saved the life of his leader, the Norman duke, by interposing his shield between his liege and the assailant. In memory of this, he added the fortunate shield, which served in a measure to change the whole aspect of the world, to his cognizance; and, instead of le Forte, by aid of his addition, (a shield, Fr. *escue*,) his descendants are styled *Fortescue*. He also assumed this witty motto—

“ *Forte scu-tum salus ducum*—a strong shield is the general's safety.”

VERNON—*Ver-non semper viret*, or *Vernon semper viret*.

FANE (Earl of Westmoreland, of the family of Neville)—*Ne vile Fano*.

VERE (Earls of Oxford)—*Vero nil Verius*.

SETON (Earls of Wintoun)—*Set on! Set on!*

Many others of equal significance may be found at length in this volume. We add one more: Dr. Cox Macro, the learned Cambridge divine, consulting a friend upon the choice of a motto, was pithily answered with—“ *Cocks may crow?*”

The talented author of this very entertaining and yet valuable work will perhaps be gratified to hear that a growing interest in his subject exists upon this side of the Atlantic, where, many of his countrymen imagine, nothing but the rankest agrarianism can flourish. Indeed, very many of our republican brethren trace their genealogical tree higher, by far, than several—aye, more than would be supposed—peers who now occupy a seat at St. Stephen's. And instances are not unknown where American citizens have refused to accept those hereditary distinctions which had accrued to them under monarchical institutions. It is not

among the high-sounding titles of the peerage that we are to seek for that rarer acquisition, pure blood, nor yet for that still more precious boon which no earthly potentate can bestow, that accompaniment of every Christian gentleman, without which

“ How low, how little are the proud,
How indigent the great!”

Well said King James, when implored by his nurse to assist her son: “ Woman, I can make your boy a lord, but it is out of my power to make him a gentleman.” While we cherish, with a just and becoming pride, these relics and testimonies of our ancestral fame, let us not be unmindful of their paltry insignificance, when weighed in the balance with the nobler qualities of the mind. To quote again from one of our most perfect poets:

“ The boast of Heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour:
The paths of glory lead but to the grave.”

In conclusion, we heartily concur in Mr. Lower's praises of the eloquent remarks of Lord Lindsay upon this subject, of which the following extract is a specimen:

“ Pride is of all sins the most hateful in the sight of God; and of the proud, who is so mean, who so despicable, as he who values himself on the merits of others? And were they all so meritorious, these boasted ancestors? Were they all Christians? Remember, remember, if some of them have deserved praise, others have equally merited censure; if there have been ‘stainless knights,’ never yet has there been a stainless family since Adam's fall. Where, then, is boasting? for we would not, I hope, glory in iniquity.

‘Only the actions of the just
Smell sweet, and blossom in the dust.’”

PRUSSIA.

In our last article we brought the history of Prussia down to the Treaty of Aix-la-Chapelle—the famous Treaty which suspended war, but so far from removing the causes of war, left undressed those wounds, which festered in silence. Yet with every counteractive, Christian Europe had, in all its extent, relations and population, progressed in melioration; though in political and military points of view, that fine section of the earth was divided into two great factions. One included, as the most powerful nucleus, Austria with part of Germany, Russia, Great Britain, Holland and Sardinia; the other, France, Spain, the Kingdom of the Two Sicilies, Prussia and Sweden. We state these two great combinations as general, only. Diversity of national interest, language, position, and what still had great influence politically, religion, prevented either unity of views or concert in action. Suspicion reigned with more or less force over Europe, and delayed only to render war more general and inveterate. Without extending our views to Spain and Italy, too weak, divided, and distant from Prussia, we must confine our views to those states with which the Prussian monarch had relations more intimate, or rivalries more imminent.

France, in all the elements of power and advance in civilization, stood at the head of Europe; and its most vital interest called the French nation to support the King of Prussia. Louis XV., still in the flower of his age, might and ought to have been the arbiter of Europe; but, careless rather than weak, and with a court whose policy was pleasure and object wealth, national and foreign interests were neglected, and of course misunderstood, he was consequently inefficient in war, and unsafe and changeful in alliance and in peace.

Great Britain, from insular position, freedom of the people, extended commerce, and rising arts, was, in proportion to extent of territory and population, the most powerful European state, and had, more than any other state of Europe, the means to choose peace or war. Interests of every kind, and the family alliance of their monarchs, rendered the connection

of Great Britain and Prussia natural as that of family; but the hatred of George II. to his brother-in-law, Frederic William, was extended to Frederic II., and prevented any cordiality between either the nations or their rulers.

The great rival of Prussia, Austria, with wounds not yet staunched, received in the two recent Silesian wars, though possessed of resources too vast to sink, needed repose and renovation; and the young and energetic female sovereign seemed to breathe her spirit over the whole empire. The first interest of all states, the finances, had to recover from the dilapidations of war, and a system more uniform to be established over an empire so heterogeneous in its political and national organization. This was effected, and in the interval between the close of the second Silesian war, and the commencement of that of seven years, a most rapid augmentation was accomplished in the finances of Austria.

At that time Austria possessed one of those men who only appear when needed—Leopold Count Daun—cool, calm and collected as Fabius, and as keen to avail himself of every fault of an enemy as Caesar. To him after the Treaty of Aix-la-Chapelle, was confided the arduous and necessary task of reorganizing the Austrian army. Composed of Germans, Bohemians, Hungarians, Italians, Croats, and other nations of less note, all brave and war-like, but differing not only in language, but each having their own military habits, it was no ordinary task to reduce them, even when united into one army, to any effective system; and though much was done in the intermediate time, the organization of the Austrian military force was, until about the close of the French Revolution, far behind that of Prussia.

Count Kaunitz-Rietberg was in the cabinet what Daun was in the field—an able diplomatist, truly Austrian in inflexibility, with an appearance of levity. Possessing, perhaps, more general political knowledge than any other man of his time; the real rival of Frederic in conceiving and counteracting the designs of other cabinets, and mortal personal enemies of each other, Kaunitz and Fred-

eric were respectively the master-spirits which raised and guided the coming storm.

To gain France to their party was the culminating policy of both Prussia and Austria, and history records no other instance of political folly worse than France perpetrated in throwing her weight into the Austrian scale. To show on what petty and unworthy trifles depends the fate of nations, we present the reader with the following, from Paganel :

"Repulsed at Aix-la-Chapelle, the plan of an alliance with France was not abandoned by Maria Theresa, and, warmly urged by Kaunitz, every available measure was adopted to accomplish the object. To succeed, it was necessary to extinguish that inveterate hatred which, since the times of Francis I. and Charles V., had animated the houses of Bourbon and Hapsburg, and also to excite and magnify fears of the aggrandizement of Prussia, and the ambition of its king. Never was an enterprise pursued with more craft and perseverance. Among the means employed to obtain the ends, history reproaches Maria Theresa with her guilty complaisances, and letters shamefully adulatory, and in which she did not blush to give a Marquise de Pompadour the title of FRIEND. What did it cost a pious princess, and chaste wife, to descend to so degrading a course?" *

What a contrast with Frederic ! whose caustic outpourings of contempt, however, cost him dear, though securing lasting honor to his name. While the Empress-queen was courting the favorite, Frederic forbade his ambassador, Baron de Knyphausen, to see her. The resentment of the *all-powerful Marquise* was vented indirectly on France. It may be noted as among the characteristic circumstances in the career of Frederic, that while admired as he generally was by even his enemies, he gained the mortal hatred of the two most worthless, though powerful, ministers in Europe—Count Bruhl in Saxony, and Bestuchef in Russia. In France he had the nation to encounter, against its every interest, to gratify the mistress of the king and people, Madame de Pompadour. Some of his satirical remarks, too true not to be felt, cost the Prussian king the enmity of the Empress of all the Russias,

Elizabeth, who had too much of her father, Peter the Great, in her composition, to admit her resentment to be contemned. To the list of his personal and inveterate enemies, again, might be added the Empress-queen of Hungary, Maria Theresa. Of the Empress of Germany, however, Frederic always spoke respectfully : as to the others, if he deigned to notice them, it was in terms which went to the heart. But to return to matters of more importance.

The attempts of Austria to gain an offensive and defensive alliance with France, we have noticed—an object also sought, but with far less ardor, by Prussia. The real interest of France at the time was neutrality, and her power, morally directed, would have preserved the peace of Europe. The intricate condition of state policy prevented Frederic from any immediate renewal of his alliance with France, but rather inclined him to seek a closer connection with Great Britain. The Treaty of Versailles expired in May, 1756, and in the same month and year the first treaty of defensive alliance was concluded between France and Austria. Frederic—from whose vigilance no great movement could be concealed, however secretly planned—almost invariably anticipated his enemies both in diplomacy and war. Perfectly aware that war between France and Great Britain was inevitable and imminent, and that he could not form a defensive treaty with one without being embroiled with the other, he chose the English side, and on the 16th January, 1756, entered into a defensive treaty with George II.

The false position of France at this eventful crisis is thus noticed by Heeren : "Thus in this treaty, (that between France and Austria,) truly extraordinary, Austria stipulated in her favor all the advantages which could accrue; and conceded none to France, if it may be excepted, the very little honor to which the latter might pretend in its concurrence in the ruin of an enemy, and the future concurrence with its ally in the domination of Europe. Setting these calculations aside, the great error of France on this occasion did not consist so much in signing a treaty, leaving to her only the consequent expenses, as in consenting to give a public recantation of policy which had

guided her government up to the time. For more than two centuries, the constant adversary of Austria, France had sustained the most elevated rank among the continental powers of Europe. It now appeared impossible to maintain that eminence when acting officiously as the ally of its rival.”*

The alliance of France and Austria, aided by the animosity of the Empress Elizabeth and Bestuchef, drew Russia into the coalition. A real revolution was now effected in European policy. Before this change, Great Britain, Russia, the Court of Vienna and Holland, formed a party opposed to France, Spain, Sweden and Prussia. The new aspect of affairs seemed to mock every maxim of experience, and to threaten an utter change in national relations—France, Austria, Russia, Sweden, and the German empire, on one side; Great Britain and Prussia on the other. Spain, Sardinia, the Swiss Cantons and Holland guarded a strict neutrality.

So unnatural was the new order of things, that much dissatisfaction was felt and expressed; but the tide was too violent to be stayed, until the fatal consequences were felt. The wisdom of ages was disregarded, and the passions of the moment obeyed, and the great drama opened. Great Britain declared war with France on the 15th of May, 1756; and at the moment at which this war commenced, the negotiations and alliances for the conquest and partition of Prussia were nearly terminated, and continental war rendered inevitable. Austria, by its alliance with France, rendered Great Britain the natural ally of Prussia. King George II. was the more inclined to unite with Prussia as the best means of safety to his German territories, menaced and finally invaded by the French. Thus the two wars commenced at the same time, and were essentially one, though in the end terminated by separate treaties.

At the opening of the first Silesian war, the King of Prussia was the assailant; but in the case of the Seven Years' War, though he was first in the field, his movement was defensive. The unfading glory he acquired in the latter war, was the more real from the enormous disparity of the rival forces. The very powerful combination against him, found constant renovation of strength from an ambition sharpened by individual hatred;

and the parties were held closely united until the death of the Empress Elizabeth, 1762. On the other side, the alliance of Prussia and Great Britain presented the curious spectacle of two powers closely united in object, acting each in its own sphere without concert. The King of Prussia, and Pitt, Earl of Chatham, had each his own system, and each in his own way acted; yet their actions tended to achieve success to a common cause.

From the day of his accession to that of his death, the more pressing the danger, the more prompt and yet clear-sighted in action, Frederic, having fathomed the designs of his enemies to divide his territories, took the initiative, and on the 29th of August, 1756, poured an overwhelming force into Saxony, securing the great military advantage of anticipating his enemy. To the imperial complaints of infraction of peace, Frederic replied by seizing the archives at Dresden, and publishing to the world the partition treaty found there; by which it was proven that, on the 22d May, 1746, Austria and Russia had concluded at Petersburg a defensive alliance, containing four secret articles against Prussia. To this compact the Elector of Saxony and King of Poland engaged to accede, as soon as circumstances would permit. It appeared that the general plan of attack had been arranged towards the close of 1755.

The great drama was opened by the taking of Dresden. The Saxon army, blocked up in the much-boasted port of Pirna, were reduced by famine to surrender. While this blockade was maintained by a part of the Prussian army, the king, with a force very inferior in number, marched boldly into Bohemia—attacked, on the 1st of October, 1756, the Austrian army under Marshal Brown, at Lowositz. After a sanguinary conflict, victory perched on the Prussian standards, and the passes into Saxony were secured. The battle of Lowositz decided the fate of Saxony and its army at Pirna, where sixteen thousand men laid down their arms on the 16th of October.

The result of this rapid campaign of two months, was to secure the occupation of Saxony to the King of Prussia. His army took up winter quarters, and formed a cordon from Egra to Pirna, and thence across Lusatia, to the Queiss.

* Heeren, Historical Manual, &c. Vol. i., p. 258.

These were the opening scenes of a series, which Heeren most emphatically and truly observes, "that the history of the campaigns of Frederic during the course of the war of seven years, was, without doubt, one of the most interesting and instructive, at once for the historical reader or tactician, which ever occurred. Ordinary political interest, and the negotiations of cabinets, were in great part suspended during this period. But a spectacle of an infinitely higher interest fixed the attention of Europe—a sovereign of a comparatively small nation, struggling almost alone against all the surrounding states, supporting reverses with firmness, and neglecting no means to obtain compensating victory."

The occupation of Saxony, and the victory at Lowositz, roused the feelings of jealousy against Prussia so artfully excited by Austria, whose influence brought France into activity, and drew with their joint power Sweden and the German Circles into the coalition; and at the opening of the great campaign of 1757, Germany had to sustain, at least, three hundred thousand men in hostile array, without including the menaced invasion from Sweden.

Happily for Prussia, France attacked England in Hanover, and the British Cabinet had the rare good fortune or wisdom to commit the defence to an able German general—a disciple, friend and devoted admirer of Frederic—Prince Ferdinand of Brunswick. This choice was not made, however, until defeat taught the necessity. The French army entered Hanover, in July, 1757, under the command of Marshal d'Estrées, and on the 26th of the same month defeated the English and Hanoverians at Hostenbeck under the Duke of Cumberland; who also most shamefully surrendered his army on the 8th of September following, by the convention of Closter Seven. These disasters secured the command of the English and their German allies to Prince Ferdinand, who very rapidly changed the course of victory.

Though rather accessory than really allied, the campaigns of Prince Ferdinand had great effect in securing a final triumph to the King of Prussia. One extended frontier of Prussia was thus protected, and a large part of the French army diverted from invading Prussia itself. Ferdinand took the command of the army late in 1757, and maintained a winter campaign, 1757-8—disregarded the con-

vention of Closter Seven, repulsed the French from Hanover, crossed the Rhine early in 1758; gained the battle of Creveldt on the 23d of June. In 1759, he defeated the French under Marshal Centades at Minden, on the first of August. In fine, he maintained in his sphere the superiority through 1760 and 1761. This rapid sketch of the operations under the Duke of Brunswick is given, as necessary to explain the effect of the *quasi* alliance between the governments of Great Britain and Prussia on the issue of the Seven Years' War. We now return to the operations of Frederic.

With all the advantages secured to the King of Prussia by the successful movements and victories of the united English and German armies, under the Duke of Brunswick, his situation in the early part of 1757 was perilous in the extreme. To more than three-fold their numbers, the Prussians could only oppose one hundred and eighty thousand men along the vast line from Bohemia to Prussian Poland. On the side of Prussia were, however, two inappreciable advantages: first, unity of design, and second, a leader rendered firm by misfortune—a leader whose equanimity of mind remained unaltered in victory or defeat. Against him stood an immensely superior physical force, but a force disunited in views and interests as much, if not more, than nationally, though nominally united by treaties.

The Austrian armies under Marshal Brown, commander-in-chief, and the able and wily Daun, had never been before so numerous, well disciplined, or, in any near degree, as ably commanded. Another great change in favor of Austria, was its new and vigorous cabinet, at the head of which was, in reality, the young, energetic, and fearless Maria Theresa. To gratify her husband, the empress nominally put at the head of the Austrian army his brother Charles, but availed herself of the first opportunity which gave fair excuse to give the supreme military direction to Brown, and after his death to Daun.

Thus opened 1757; and though far inferior in number to the masses opposed to him, the King of Prussia gained by rapid and skilful movements what was wanting in physical force. With a well-concerted plan of operations, and complete mutual understanding of their respective movements, the Prussians, in March, 1757, entered the north-western side of Bohemia,

in four columns. The Austrians, surprised, fell back towards Prague. The Duke of Bevern, who commanded one column of the Prussians, attacked and defeated near Reichenberg a large Austrian force, gaining thus the victory in the first general action of the war—an advantage always regarded by military men as, if not decisive, at least of great moral effect.

In their respective evolutions, Prague seemed a common focus of attraction to both armies, as through the month of April they gradually concentrated near that city, up to the 6th of May, when the great battle was fought, known as "the battle of Prague." In this remarkable conflict, though inferior in number, the Prussians gained a complete victory on the field; but in its consequences, the advantages were, if not balanced, very doubtful as to which side they preponderated. Prince Charles of Lorraine assumed the command in chief on the 30th of April, with eighty thousand men against sixty thousand under Frederic, and was out-generated and defeated. The Empress-queen, who seemed never to have had any very great confidence in the military talents of her brother-in-law, took advantage of the occasion, and deprived him of the command in chief, and raised to that important post Leopold Count Daun, the only general who was ever opposed to Frederic, who could in point of military talents approach, to any near comparison, his great opponent.

The battle of Prague was remarkable, besides its immense political consequences, for the death of the seconds in command of both armies. On the side of the Prussians, Marshal Schwerin was killed on the field; and on that of the Austrians, Marshal Brown was mortally wounded, and died in Prague a few weeks after the battle. Daun, now at the head of the Austrian army, took position at Kolin, about twenty miles east of Prague, concentrated the various Austrian corps, and was there, in a camp fortified by nature and art, on the 18th of June, 1757, attacked by the Prussians under Frederic in person. Here, for the first time in his military career, Frederic sustained a severe defeat.

The value set by Maria Theresa on the victory at Kolin, may be estimated by the following: "It was to perpetuate the remembrance of this victory, that the Empress-queen instituted the order of MARIA THERESA. In the excess of her joy, she personally visited the Countess Daun, to

announce the victory of her husband; wishing thus to bestow unusual honors on the man who was the first to triumph over the redoubtable Frederic."

These great honors were really more due to the vanquished than to the victor, and the event rendered the defeat of the Prussians rather beneficial than detrimental. To ultimately maintain himself in Bohemia was hopeless, and the battle of Kolin hastened what must have been inevitable, and perhaps altogether ruinous in the end.

The blockade of Prague was raised, and the Prussian army fell down the Elbe towards the borders of Saxony, and there awaited ulterior operations.

At very nearly the same moment of the balancing operation in Bohemia, between the Austrians and Prussians, a serious danger threatened the latter on the opposite side of Germany. The Duke of Cumberland, still at the head of the English and German combined army, was, on the 6th of July, after the battle of Kolin, attacked and defeated by the French, commanded by Maréchal D'Estrées. Intrigues in Paris paralyzed the able general at the head of the French in Germany, and rendered null the effects of the battle of Hastenbeck. D'Estrées was recalled, and the infamous Richelieu put in his place—a man who, though execrable as an individual, was not devoid of military talent; and had the French power been in any serious manner exerted, the ruin of Prussia was inevitable.

Neither the defeat at Kolin nor at Hastenbeck was the most serious disaster which now clouded the fortunes of Frederic. Large detachments under his brother William were destroyed or dispersed in the month of July, 1757; and, in this disastrous conjuncture, everything seemed to conspire to the ruin of this devoted king. By the invasion of Bohemia—in the field—and by other destructive effects of war, more than half the Prussian army was no more. The Russians, under Marshal Apraxin, entered Polish Prussia, and defeated, on the 30th of August, 1757, the Prussian army under Marshal Schwald, at Grosjagerndorf. The Swedes invaded Prussian Pomerania, but were, however, soon repulsed. Winterfeldt, one of the best Prussian generals, was defeated and mortally wounded at Goritz. Lusatia, for the moment, was lost. The whole force of Austria poured on Silesia, and to completely fill the cup of misfor-

tune, the Hungarian general, Haddich, penetrated into Brandenburg, took and laid under contribution the city of Berlin. The royal family (with the archives of the kingdom) were forced to take refuge in Magdeburg. And as if all this was not sufficient, Frederic was put under the ban of the empire, and forty thousand French joined to the army of the German Circles were appointed to carry the sentence into execution.

The eyes of all Europe were now turned on the King of Prussia, whose fate appeared utterly desperate. As to the man himself, calm as if danger was his native element, he moved with firm steps and serene countenance towards the accomplishment of his destiny. He summoned with warmth the King of England to fulfil his engagements. He set Fortune at defiance, at the same time neglecting nothing within his power to secure success; and, amid a complication of care, anxiety, and almost extinct hope, cultivating letters, while, as he wrote to his most beloved sister, the Margravine of Anspach, meditating suicide.

Thus wore away the summer of the eventful 1757. The great monarch was left with only eighteen thousand men—veterans they were, however, veterans in the highest meaning of the term, with unbounded admiration, confidence, and devotion to their general. Having received some reinforcements which raised his force to twenty-two thousand men, he joined himself to his brother Henry, and attacked the combined French and German army of the Circles, sixty thousand strong, on the 5th of November, 1757, near the village of Rosbach, and gained one of the most remarkable victories of modern ages. It was also, rationally speaking, of enduring consequence. It was said by Zimmerman, that the German allies who shared defeat with the French, the night after the battle, sang German songs in the pride of their hearts. But, if it raised German pride, the battle of Rosbach was truly humiliating to France.

“For having gained the battle of Hastedbeck, D’Estrées was recalled; Soubise, shamefully defeated at Rosbach, was named shortly after a marshal of France!!”—*Paganel*.

“At Kolin, Frederic lost only the victory: at Rosbach, Soubise lost the victory and his honor!”—*Napoleon*.

Frederic was, as a monarch and a gen-

eral, a man whose task was never finished, nor willfully delayed—most dangerous to his enemy when in apparent repose. The battle of Rosbach was gained by a feigned retreat, and a most rapid reaction, but it was only the first act of the drama. From Saxony he rushed as a torrent towards Silesia, carrying all before him, by marches entirely new in European warfare. His presence seemed necessary at every point, and victory attended his motions. Eighteen days after the battle of Rosbach, the Prussian army in Silesia, under the Duke of Bevern, was defeated, and its general made prisoner under the walls of Breslau, which city fell into the possession of the Austrians. Schweidnitz had already fallen, and in their confidence the Austrian generals regarded the reconquest of Silesia as secured. Posted in the former camp of the Prussians, flushed with recent victory, and confident in their immense superiority in numbers, the Austrian generals would appear to have taken the Prince of Soubise for a model. It was always with armies very inferior in number to those of his enemy that Frederic gained the most splendid of his triumphs, and he was most dangerous to his opponents after a reverse on his own part.

On the present occasion Frederic was the assailant; and at Leuthen, near Breslau, on the 5th of December, 1757, one month after the battle of Rosbach, the Austrian army, under Prince Charles of Lorraine, was utterly defeated. This was the battle complimented by Napoleon as a master-piece of military movement on the side of the Prussians; and what was the parity of means? Frederic had an army of thirty-three thousand men, part of whom were the veterans of Rosbach, but more were the wrecks of other corps, dispirited by recent defeat, and borne down by fatigue. Opposed to this, in regard to numbers, very inferior army, advanced nearly ninety thousand men, who in a few hours were dead on the field or dispersed. Such effects were produced by the presence of one man. The battle of Leuthen was still more honorable to Frederic than even that of Rosbach, and more productive of consequences. The gates of Breslau and Liegnitz in Silesia were now open to the Prussians. Austria, in one month, lost upwards of forty thousand men, seventeen thousand of whom were taken in Breslau; and all that the Empress-queen

still retained in Silesia was the fortress of Schweidnitz.

This was the finest campaign of Frederic, nor does military history contain the record of another superior. This truly extraordinary man, with very inferior numbers, gave four pitched battles, in three of which he was victorious. When the campaign opened, and even after his defeat at Kollin, his affairs seemed desperate; but, Antaeus-like, his strength was increased by his fall, and before its close he had humbled France, awed the Russians, repulsed the Swedes, and almost entirely destroyed an army of one hundred thousand Austrians, and stood erect in power and glory.

The affairs of Europe were, however, becoming more and more complex. Great Britain, the only ally of Prussia worth naming, was politically in a singular state. George II., though maternal uncle to the King of Prussia, nourished to the end of his days personal hatred to the whole Prussian family; but William Pitt, whose antipathy to France equalled at least that of the king to Prussia, having been called by the English nation to the head of the ministry, neutralized by superior talents and public confidence the royal bias. The Hanoverians were called to arms; joined by an English force, the combined army was placed under the command of Ferdinand, Duke of Brunswick. At the same time a subsidy of above sixty thousand pounds sterling annually was granted to the King of Prussia.

Had the Russian power been, at the time before us, under the undivided will of the Empress of Russia and her minister Bestuchef, no talent could have saved Prussia. The female monarch and her minister were made political enemies from mortal personal hatred to Frederic. The Grand Duke, afterwards Peter III., on the other side, was an enthusiastic admirer of Frederic, and though unable to so far influence public affairs as to produce peace between Russia and Prussia, he had sufficient credit to render the Russian operations inert and irregular—of consequence to weaken their effect.

The campaign of 1756 opened—the aspect of affairs complex in the extreme. Frederic had profited by the winter to recruit his armies. His masterly conduct during the year 1757 had inspired the Prussians with an enthusiasm for their king, which brought them to the field burning with ardor. A few months

of exercise enabled the youthful warriors thus mentally inspired to vie with the oldest veterans.

On the Lower Rhine, Prince Ferdinand chased the French from Hanover, Hesse, Brunswick and East Friesland. He took Minden, pursued the enemy to Keyserwerth, which he took on the 31st of May, and defeated them in the battle of Creveldt on the 23d of June. On his part, the King of Prussia had retaken Schweidnitz on the 16th of April, and for once paying tribute to human nature, turned his arms towards Vienna, entered Moravia, and laid siege to Olmutz, its most important fortress on the side of Silesia. To seriously affect the power of Austria so near its centre was beyond the means and even genius of Frederic. The attempt, in itself rash, was unfortunate. A new element had also now entered into the Austrian armies, in the person of Marshal Laudon. The able dispositions of this officer, and the vigorous defence of Olmutz, foiled Frederic. There, as on all other occasions in his whole military career, extreme danger brought into activity the never-failing resources of his genius; and by a retreat into Bohemia, he saved his army—a retreat spoken of with high admiration by Napoleon.

Environed by enemies, there was no repose to Frederic. General Fermor, at the head of a large Russian army, after having swept over Prussia, carrying fire and ruin with him, advanced towards the Oder, menacing equally Silesia and the Marches of Brandenburg. Every license of a most barbarous and ferocious soldiery was let loose on the inhabitants. Women, aged men and children, were indiscriminately massacred. The danger became hourly more urgent and terrible. The city of Custrin, on the Oder, was laid in ashes, though the brave garrison refused all summons to surrender. An avenger was advancing with rapid marches. Leaving the Margrave Charles in Silesia to check the Austrians, Frederic, with twenty thousand men, set out from Landshut in Silesia on the 11th of August, joined the army under Dohna on the 22d, and encamped on the west bank of the Oder, opposite Custrin. Here the terrified and wretched inhabitants flocked round their king, calling him their father and deliverer. Generous and humane as were Frederic and his troops, the spectacles which were presented to them now, and cries of distress, transported them to fury. Men, women and children,

mutilated, or perishing with nakedness and hunger, were received with the utmost kindness by Frederic, who comforted them with the promise of driving these ferocious hordes from their country; and he performed his promise.

Passing the Oder below Custrin, and reaching the Russians on the morning of the 25th of August, one of the most sanguinary battles of modern ages ensued at the village of Zorndorf. The Prussians were compelled to retaliate on their enemies; all quarter was forgotten, and for twelve hours the dreadful conflict continued. The admirable order and discipline of the Prussians prevailed, and the Russian army was rather annihilated than defeated. At Zorndorf the Russians left upwards of eighteen thousand men on the field, and, what proves the peculiar character of the battle, only about two thousand prisoners. The Prussians lost ten thousand men killed or desperately wounded, and fifteen hundred prisoners.

Such carnage admits no parallel in modern history, if, in particular, we advert to the numbers engaged. The Prussian army amounted to about thirty-two thousand men, and the Russians to about twice that number; and of the whole, near one-third were killed or wounded. The veterans of Prague, Rosbach and Leuthen, forced a victory by efforts, we might almost say, superhuman. No nation, however, could long sustain such victories. In the present case, it was only an act in the terrible drama. While Frederic checked the Russians on one side, the Austrians advanced on the other. The most defective point in the military character of Frederic was, an over self-confidence. Almost in every instance the assailant, he more than once had to pay the penalty of presumption. After the battle of Zorndorf, leaving Dohna to watch the Russians, Frederic flew to resist the Austrians on the side of Saxony; and after marches and counter-marches on both sides, Frederic, who had during the whole war never been attacked, was, on the night of the 13th and 14th October, surprised in his camp at Hochkirchen, on the border of Silesia, and defeated with the loss of eight thousand men, and two of his best generals, Marshal Keith and Prince Francis of Bevern.

It is the privilege of genius in general, and particularly in a most extraordinary manner in the case of Frederic, that it was after a reverse his enemies seemed to stand most in awe of the resources which

he seemed to create when most necessary. Rallying at a few miles distant from Hochkirchen, the Austrians dared not attempt a pursuit of their advantages.

The court of Vienna could not have complimented more warmly than it did the genius of their adversary. Daun was crowned with favors. The Empress wrote to him an autograph letter. A statue was raised to his honor. The estate of Ladendorf, alienated by his father, was repurchased and restored to the marshal. The Empress of Russia expressed her joy and admiration by the present of a rich sword. But to determine to whom most honor was due, let us hear Jomini, in his treatise on great military operations:

"This campaign (1758) was not rendered so remarkable for battles or other splendid events, as was that of the previous year. The changes of fortune were less sudden and less striking in that of 1758, but much more skillful. The marches were better combined and more rapid, and positions better chosen. The King of Prussia, forced to retire from Moravia, gave to his retreat all the advantages and activity of an invasion, and effecting these masterly manœuvres in face of an enemy superior in numbers, and over excessively difficult ground—reaching the frontiers of his own dominions, and rushing to encounter the Russians, defeating them so completely as to deprive them of the power to ravage those parts of his country. During this march, Daun, more wise and able than during the former campaign, felt the advantage and seized the chance of invading Saxony; but before gaining any serious footing in that country, the presence of Frederic deranged and neutralized the whole plan. Here, again, the scene changes; the king himself is defeated at Hochkirchen, and his communication with Silesia cut off. This defeat was the effect of one of the instances in which Frederic suffered presumption to prevail over prudence. The fruits of the error was a restoration of all that power and balance of mind which, during his whole military career, rendered this man so extremely formidable after disaster. He at once perceived the realities of his position and that of his enemy; deceived Daun by able movements, and gained several marches on his right flank; reopened his communication with Silesia, and repulsed into Moravia the Austrian army which menaced that province.

held the Russians and Swedes in check, and forced Daun to retreat into Bohemia. Frederic thus gave activity and efficiency to the élite of his forces on every point of his frontiers, and alternately defended all successfully. At this time, indeed, the Prussians had become almost superhuman. They were the men of Rosbach, Leuthen, Olmutz, and wherever else they were placed. If their king was a prodigy, his subjects were worthy of him. Now at Olmutz, in Moravia; next, as if by supernatural means, in Bohemia; then in Saxony, Brandenburg, Silesia; again in Saxony, then in Lusatia, and again in Silesia, Colberg, Kosal, Neiss, Dresden, Torgau, Leipsic—all relieved; and Silesia, Saxony and Pomerania again in the power of the Prussians. Prince Henry, who through the whole seven years was at once the powerful second of his brother and the second hope of Prussia, was, at the close of the campaign of 1758, left in command of the army in Saxony; and the king, on the 10th of December, left Dresden and took up his winter residence in Breslau."

But all the heroism and genius displayed by the King of Prussia and his people, astonishing and unequaled as they were, seemed destined to give only a more brilliant eclat to their common ruin.

At the same time, in many respects, the Austrian armies had become much more formidable than at the beginning of the war; the troops better disciplined, and the financial department better arranged. At their head these improved troops had three men who, at any time or place, would have stood in the first rank of generals—Daun, Lascy and Landon.

To the embarrassment of Prussia and advantage of Austria, one of those revolutions of the palace, so common in France at that age, took place on the first of November, 1758. The Duke de Choiseul, a native of Lorraine, and devoted to the imperial family of Austria, was placed at the head of the French ministry. The increased activity of the alliance against Prussia was the immediate consequence. To this formidable combination Russia, as we have seen, being added, Prussia was left to meet the most unequal force which ever was met by the weaker party with final success. With a heart that never quailed, and an eye that clearly scanned the dangers of his position, the King of Prussia passed the

winter of 1758-9 at Breslau, calmly forming his plans; and certainly, in the whole course of his astonishing career, there was no other year in which he encountered so much of disaster, or during which the title of great was more justly sustained by Frederic, than 1759.

On the 13th of April, the French, under the Duke de Broglie, defeated at Bergen, near Frankfort, on the Maine, Prince Ferdinand of Brunswick. A Prussian army under General Wedel was most disastrously defeated by the Russians, at Zullichau, in the Duchy Crossen, on the 23d of July, 1759.

On the 12th of August of the same year, was fought and lost by the Prussians, at Cunersdorf, near Frankfort on the Oder, perhaps, if compared with numbers engaged, one of the most sanguinary battles of modern ages. On one side the combined army of Austrians and Russians amounted to about one hundred and five thousand men, and the Prussians to fifty-three thousand. Of these fell on the field, twenty thousand Prussians, sixteen thousand Russians, and three thousand Austrians; or nearly forty thousand men, exceeding the one-fourth of the number engaged.

No other man and nation but Frederic and the Prussians would ever, under all the then existing circumstances, have raised an arm after such a defeat as that of Cunersdorf. The next day after the battle, Frederic could scarce rally six thousand men; but, as in many other instances, the real success was far from equaling the apparent. No real cordiality reigned among the combined commanders; nor could the Germans remain blind to the consequences of Prussia falling utterly under the power of Russia. Both the Russian and Prussian armies had suffered severely, and their pause in action left Frederic to breathe; who, true to his character, never relaxed a moment, and in less than two months appeared as formidable as at the opening of the campaign. His trials were not, however, ended. One of his favorite generals, Finck, was surrounded in the defiles of Bohemia, at Maxen, and forced to surrender to the Austrian general; Daun, sixteen thousand men, with all their artillery and munitions of war.

Yet with all these and some minor reverses, Frederic, powerful in his own genius, and in the unbounded and justly-founded confidence of his people, closed this remarkable campaign as a superior

in the contest. The struggle had continued through four years; thousands and tens of thousands of men had fallen, and no real advantage gained on either side, unless Prussia might be considered as having obtained it substantially by having sustained her existence, through four campaigns, against a disparity of force, which in all ordinary cases had ever been irresistible.

Austria, confident of ultimate success, resisted all overtures for peace, which such a man as Frederic would accept. Both Great Britain and Prussia anxiously desired honorable peace, and made their offers through France; but the Austrian Cabinet paralyzed all their efforts. Some fatality seemed to have blinded France, and led her as a sacrifice to Austrian policy; and the same deleterious influence extended to Russia, and both those powers augmented their armies in Germany. Casting a retrospect on the history of the age immediately preceding the French Revolution, may we not regard Frederic and his Prussians as the champions of human right?

Our necessary brevity will not permit a connected detail of the events of the campaign of 1760. We may only observe that Frederic, finding but one route to safety, and attended on that route by the only two allies upon which he could depend, Bravery and Perseverance, sternly met the storm. After encountering much of reverse with alternate success, on the 14th of August the king was encamped at Liegnitz in Silesia, with an army at most fifty thousand strong, and environed by four other armies, each commanded by able generals, and each superior in numbers to his own. Daun in front, Laudon on his left, Beck on his right, and Lascy on his rear—who, beside his own troops, was sustained by thirty-five thousand Russians. Acting in full concert, the enemy were to enclose and utterly destroy him and his army next day; they considered the stag secure in the toils, but found a lion.

In this emergency retreat was impossible, and all the energies of Frederic were called into action. But one means of safety was visible, and that was adopted. This was to instantly throw himself with his whole mass on one of the opposing armies. In the night between the 14th and 15th of August, the peasants, by his orders, kept up the camp fires, and the patrols and camp-guards

performed their customary duties, while the king and his army marched through Liegnitz, gained the heights of Pfaffendorf, without the enemy having the least suspicion of the movement. Ziethen, one of the most able of the Prussian Generals, was intrusted to watch the motions of Daun, Beck, and Lascy, while the king, with his main force, fell on Laudon, and gained a complete victory, with very little comparative loss on his own side, but repaid by six thousand prisoners, with their colors, and eighty-six pieces of heavy cannon.

This victory may be safely placed among the most remarkable military achievements recorded in history. It relieved the King of Prussia from the utmost peril, and rendered him victor, opening to him the route to Breslau. Some very insulting expressions were made by the Austrians before the battle of Pfaffendorf against the king and his troops. "I'll forgive them," replied Frederic, "for all the folly of their words, in consideration of the still greater folly of their acts."

Equally active to improve victory as to repair defeat, Frederic marched on the very day of the battle of Pfaffendorf, in hopes of crushing the Russians, passed over the small river Katzbach, arrived on the 16th at Newmark, and joined his own army to that of his brother Henry. The Russian general abandoned Lissa and repassed the Oder. It was, however, a war of the most singular vicissitude. In October, 1760, Berlin was taken by a combined Austrian and Russian force, under Lascy for the Austrians and Tottleben for the Russians; who, gaining nothing of real military import, and unable to maintain their position, soon retreated, leaving behind them what most armies have ever left, who have taken an open indefensible capital—the reputation of being compared to Attila.

Daun, with his Austrians, had taken up his intended winter quarters in Torgau, an important town on the Elbe, in Upper Saxony. Frederic, knowing that—the Russians once encamped between the Wartha and Oder with a determination to pass the winter in the very heart of the Prussian states—Daun and the Austrians could maintain their position in Torgau, hesitated not a moment to make disposition to attack Daun in his formidable post. The address of Frederic to his generals, the night before the battle

of Torgau, has been regarded by military men as worthy of the greatest generals of antiquity.

"I have assembled you, gentlemen, not to ask your advice, but to tell you that I'll attack Daun to-morrow morning. I know that he occupies a fine position, but at the same time he is in a *cul-de-sac*, and if I beat him, all his army must be taken or drowned in the Elbe. If we are beaten, we'll all perish together, and I the first. I am tired of this war—it ought to weary you also. We'll finish it to-morrow. Ziethen, you are to command the right wing of my army. Your object must be to march direct on Torgau, to cut off the retreat of the Austrians, when I have chased them from the Heights of Sipitz." When having spoken these emphatic words, he gave, with admirable precision, the order of march and battle.

At early dawn, on the 3d of November, pursuant to the arrangement of the previous evening, the Prussian army attacked the Austrian; and night found the battle still raging, and without any decisive advantage on either side. The weather was excessively cold, and over the dreadful field lay, dead or dying and wounded, upwards of twenty thousand men. Unable to force the Austrians, Frederic considered himself defeated, and, trembling with bitter regret, was on the point of ordering a retreat, when Colonel Moellendorf, perceiving that the Austrians had quitted the heights of Sipitz, on which the battle had been fought, informed Ziethen of the fact, who promptly marched, seized the heights and gained the victory.

Frederic and Daun had both been wounded in the contest—Frederic slightly on the breast, Daun severely on one of his legs; and the latter, having retired into Torgau, was surrounded by his generals congratulating him on his triumph, when General O'Donnell rushed into the room and gave the unwelcome information that the Prussians had regained the heights, and stood ready to renew the combat on the following morning. Dreading the probable consequences, Daun ordered a retreat, and the Austrian army passed the Elbe after midnight.

Thus terminated a campaign, at the opening of which destruction appeared to impend over Prussia and its king; and at its close two splendid victories had restored the courage of the army, and the lost provinces of the kingdom. The

last dearly-bought victory at Torgau, though it did not produce immediate peace, gave evidence of the unprofitable continuance of the war. Still, that war continued through 1761 and 1762, with varied success; but no human talent could have ultimately saved Prussia, had not fortune given a new aspect to the scene. France, with inexplicable fatuity, continued in the coalition. Russia was led into the same arena, and kept in it, by the personal hatred of the Empress Elizabeth to the King of Prussia; and the campaign of 1762 was regarded with dread by a gallant people, who had sustained, through six campaigns, efforts which, if anything human deserved to be so called, might be entitled superhuman.

The cloud was dispelled in a moment, and from the quarter whence relief was least expected. January 5th, 1762, expired the implacable Elizabeth, youngest daughter of Peter the Great, and gave the sceptre to her nephew, Charles Uhlric, Duke of Holstein, an enthusiastic admirer of Frederic. The only strong mark of sanity ever shown by this devoted man, known better as Czar Peter III., was to close promptly the war against Prussia. Without deigning to give advice of his intentions to either the court of France or Austria, he sent orders to General Czernischeff to instantly separate his army from that of Austria. On the 5th of May, 1762, a treaty restored to the King of Prussia all the conquests made from him by the Russians, and placed under his command General Czernischeff and his formidable army. The influence of Peter went farther, by withdrawing the Swedes from the coalition against Prussia. Thus, with dramatic rapidity, danger changed sides; and Frederic, who, six months before, could expect nought but ruin, saw himself restored, and preparing for the offensive, when the scene again shifted, and with an effect and rapidity almost unequaled in history. Early in July, 1762, the infatuated Peter, the grandson of Peter the Great, was dethrown and murdered, and his crown, sceptre and power put into the possession of his widow, Sophia Augusta Frederica, of Anhalt Zerbst, daughter of a Prussian field marshal, and known as Catherine II., Empress of all the Russias.

Though Catherine, early in August, 1762, ordered Czernischeff and his army to quit the Prussian service, the real moral and political effect of the recent change was decisive in favor of the Prus-

sian king and nation. Some military movements of minor importance marked the residue of 1762. Negotiations for peace were of infinitely more consequence, which finally took place on the 15th of February, 1763, at Hubertburg.

Thus have we followed the general thread of history through the eventful war of seven years, in which, as says Bissett in his continuation of the History of England, "The King of Prussia, though he had overcome all his enemies, and dictated the terms of peace, equally able in every department, had been so provident that, at the end of the war, *he had not contracted a shilling of debt.*"

"For the third time," states Paganel, "the free and entire possession of Silesia was guaranteed to Frederic. Such was the famous war of seven years, which raised and maintained Prussia to a place in the

first rank of European States, and clothed Frederic with immense personal consideration. If we compare the geographical position of his states, open on all sides, their sterility, the moderate amount of their revenue, and the small number of his subjects, with the formidable resources of his enemies, we must be seized with unbounded astonishment at the aspect of this prodigious genius. In him was shown the value of one man more in the destinies of an empire."

Frederic the Great survived the treaty of Hubertburg twenty-three years and seven months; and in some future article we may resume his history, and show the monarch in peace, if possible, still more than in war, deserving the title of "FREDERIC THE UNEQUALED," given to him by his countrymen. TACITUS.

COLTON'S LIFE AND TIMES OF CLAY.

As but one volume of this publication has yet been submitted to us, and having but little space in this number to devote to the subject, not much more can now be done than to announce it, with a brief notice. The work will probably hereafter claim more attention at our hands. We may speak briefly, however, of the execution of the work, as a production offered to the whole country, and designed to fill a place among its historical records. In regard to mere artistical execution—what we call style—if it were very different from what it is, criticism would be somewhat disarmed by the author's remark, that "it asserts no higher claim in literature than a business document—to state and determine matters of fact within the shortest compass." On this plan, with such a subject, the author of the "Junius Tracts," documents distinguished for their conciseness and comprehensiveness—a multitude of facts crowded into small space—could not fail of making an interesting and instructive book. But we judge him to have done much more. The work is certainly not classical, as it was not intended to be. There is no attempt at great chiseling and polishing—especially after models and little of the glow of eloquence which some would have sought to impart to it. That this would have been an addition in

our own eyes, we will not deny. But the style is eminently clear, direct and energetic, and leads the reader along through the eventful career of the self-elevated statesman without a desire on his part to stop; and this is the first great excellence, whether in biography or history. The execution of the chapter on Mr. Clay's wit is the least to our taste. Every one knows that Mr. Clay is a witty man—though other more important qualities predominate in his composition. But it is a difficult thing for any one to represent the varied humor of a man of wit effectively on paper, where there is no room for acting off the anecdotes. Like the perfumes of smoking incense, their delicate odors are constantly escaping as they burn. We conceive our author to have partially failed in this subtil task. Many of the anecdotes are good—effectively introduced and narrated. Others seem to have lost in the process much of their original essence. Some effusions, perhaps, might better not have been introduced at all, nearly all the grace and point of which must have depended on the manner in which they were said.

The following statement of the author in his Introduction, will indicate the limits which he prescribed to himself in the execution of his task: "That the author may not be held responsible for that

which he does not profess to do, he would distinctly state, that he does not undertake to go farther into history than as it is connected with the life, career, and public services of Mr. Clay, which alone present a wider field than could be fully and minutely surveyed in a work of this size. This is one rule on which the work is constructed. To depart from it would leave open an indefinite range of topics; and, in adhering to it, the difficulty has not been to find materials to fill the volumes, but to select from and condense those which most claimed attention." Another rule of constructing the work is stated as follows: "It will also be found, that the author has adopted a course, which will probably be considered novel in biography and history, in disregarding chronological order, when any particular attributes of Mr. Clay's character, or any specific class of his actions or pursuits, are under consideration. For example, his professional career, from beginning to end, stands by itself." But the author says: "The general arrangement is chronological, as nearly as could be, without sacrificing the advantages of this method."

The topics of the first volume may be comprehensively stated as follows: Mr. Clay's early history; his domestic history; his moral character and religious sentiments; his personal qualities and eloquence; his professional career; his wit and other brilliant qualities; his public character, as a politician, statesman and diplomatist; his patriotism; his position and services in the war of 1812; his views on domestic slavery; his advocacy of the rights of man on the most comprehensive scale; the original cause of Gen. Jackson's hostility; the Missouri question; "the great conspiracy," as the author terms it, referring to the charge of bargain in the election of Mr. Adams, in 1825; internal improvements; the public land policy; and the political character of Mr. Clay's times. The table of contents will indicate, at sight, a rich field of history.

It will be obvious to every one, that the topics above mentioned, well and properly treated, ought to be attractive and instructive. But we shall, for the present, lay all but one of them aside; passing directly to one which will most naturally arrest attention, to wit, having been so long bandied back and forth under every possible cover, with every possible degree of assertion and contradiction, and which now occupies a con-

spicuous part of the volume before us—namely, "THE GREAT CONSPIRACY." The author starts under this head, as he says, "in anticipation of the evidence; but that having been well considered, the propriety of this denomination is assumed, on the belief that the facts will be a justification." Five chapters are devoted to this subject. The investigation is based on the re-affirmation of the charge by General Jackson, against Mr. Clay, in a card addressed to the Nashville Union, May 3, 1844, after nearly twenty years' repose of the subject, when it was supposed to be given up. It is claimed by the author, that, as the charge is of the most serious nature, and believed to be unjust, it was impossible to write the history of Mr. Clay's life, after such a renewal of the accusation, and do justice to the parties, without an examination of the evidence; that to have passed over the subject, would leave Mr. Clay under the aspersion, and be the same in effect as to let judgment go by default; and that the re-affirmation, at this late day, was the re-construction of an unavoidable issue. Whatever, therefore, may be the result of the investigation, it is maintained that the responsibility of it cannot rest on those who act on the defensive.

The author takes up the whole case, and travels through it from beginning to end. Besides some documents incorporated with the text, and used as evidence, we observe that upwards of forty pages are chiefly occupied in smaller type as notes, in an array of documentary evidence, which constitute the basis of the argument, from which all the materials of reasoning in the case are drawn. This course, the author alleges, was unavoidable to establish the negative of a charge, which was never supported by any proof.

Mr. George Kremer, the author of the letter to the Columbian Observer, in which the charge or charges first appeared, is set forth as a simple and credulous man, acting as the tool of others, and not understanding what he was about. Evidence to this point is adduced, and that it was most remote from his intention to injure Mr. Clay. After the subject was submitted to the House of Representatives, by the appeal of the Speaker, (Mr. Clay,) and a committee of investigation was appointed, notwithstanding Mr. Kremer had fathered the letter on the floor of the House, and offered to prove the charges, he declined by entering a plea of jurisdiction. This put a stop to

the trial, and shut the door against all evidence of a judicial character. Nobody at Washington, as appears, gave the slightest credit to the charge ; but it went forth over the length and breadth of the land, to produce its effect on credulous minds. The author undertakes to show, that this was the artifice of the conspiracy : to bring a charge, shrink from the proof of it, and then propagate it

There is a curious development, apparently in this stage, in regard to the authorship of Mr. Kremer's long letter of decline to the committee of the House, by comparing passages of the letter with passages of a speech of one of the members, which certainly exhibit a very strong likeness. It will be difficult to persuade any one that the author is not exposed. The authorship of Mr. Kremer's letter to the Columbian Observer, and of his card in answer to Mr. Clay's card, in the National Intelligencer, was considered as settled before. But this new revelation is at least very striking, and, if correct, very instructive.

The author closes his first chapter on the subject in the following manner :

"The position of the conspirators, and of Mr. Clay, at the end of this first stage, before the election for president had taken place, may be defined as follows : 'Now let Mr. Clay support Mr. Adams if he DARE. Now let him accept the office of Secretary of State, if he DARE. If he does either—especially if he does both—WE HAVE HIM.' If he had done the first, and not the last, the charge would still have been maintained, with this difference, that he had only been frightened out of the Secretaryship, by the justness of the accusation.

"No one can fail to be impressed with the atrocious character of this plot. The frankness, fearlessness, and lofty dignity of the accused, stand in striking contrast to the diabolical designs of his accusers. Conscious of innocence, he throws himself on the weapons of his assailants, and bids them strike. He appeals to the only rightful court, and demands judgment. From the presence of that tribunal, constituted for the occasion, and ready to proceed, the accusers flee !"

The second stage of this affair is opened by the author with the following remarks on the first :

* "It has been seen, in the preceding chapter, that the charge of **BARGAIN** between Mr. Adams and Mr. Clay was got up, first, to frighten Mr. Clay into the support of General Jackson ; and failing in that, the investigation was dishonorably declined, to keep the charge pending for future use. It was only necessary, after the first dis-

pointment, to bar inquiry, and hang up the charge—to lodge it in the public mind of the country, to work there as it might and necessarily must, without a judicial verdict, without check, and with the evidence before the people, that the **FACTS** which the charge predicted had come to pass. What did it predict ? That Mr. Clay and his friends would vote for Mr. Adams. So they did. That Mr. Clay would be made Secretary of State. So he was. Was not, then, the charge proved by the **EVENTS** ? It was not enough to do away its force in the popular mind, to say, that Mr. Clay and his friends had a right to vote for Mr. Adams ; or that the claims of the West, of Jackson men and all, forced Mr. Clay into the State department—both of which were undoubtedly true. They who conceived and published the charge, knew that, if it did not accomplish its purpose in the first instance, by destroying Mr. Clay's freedom and that of his friends, and by forcing them to vote for a man to fill the presidential chair, to whom they were conscientiously opposed, it would answer all their purposes another time. They foresaw that the charge would be identified with coming events, and that, with the mass of unreflecting minds, it would require no other evidence of its truth. When suspicion was thus roused, the people generally would not think, that the very acts represented as criminal, might not only be innocent, but virtuous—a high, conscientious, and sacred duty ; that, with honorable men, they should be presumed innocent ; that, in doing the same things, the accusers claimed to be innocent ; and that it would have been equally fair to hurl back the charge on the aggressors."

Instances are cited of the use afterwards made of these facts, in connection with the charge by Mr. Buchanan in 1826, by Mr. Benton in 1827, by the Legislature of Tennessee also in 1827, by Mr. Lynn Boyd on the floor of the House of Representatives in 1844, and by others, when it is alleged that they could not but know that they were using a *non sequitur* argument.

The author then proceeds to a notice of the revival of the charge by General Jackson himself, in 1827, and begins with the notorious "Fayetteville letter," direct from the Hermitage, of March 8th of that year, which made such a stir in the land. Next comes General Jackson's letter of June 6, 1827, to Carter Beverley, at Wheeling, Va., furnishing him with a corrected version of the affair. The manner in which Mr. Beverley attempts to get Mr. Clay's denial, "in writing," is curious enough. Mr. Clay, however, goes down the Ohio from Wheeling, with

a copy of General Jackson's letter in his pocket, and publishes it at Lexington, the 4th of July, with an address to the public. Mr. Beverley, at the same time, publishes the letter, with his comments, in the Telegraph, at Washington city, and writes to General Jackson to inform him, as he says, "precisely of the course and bearing of the subject." He says, "it had not taken the course he exactly calculated upon." It seems he wanted Mr. Clay's denial, "in writing," without letting Mr. Clay know, except verbally, what he was to deny.

Next comes General Jackson's address to the public, of July 18, 1827, complaining of Mr. Clay's conduct, reciting the whole matter afresh, and naming Mr. Buchanan as his witness, to substantiate the charge. In reviewing this address of General Jackson to the public, the author finds what he calls "a fraud" in the application of misnomers to facts, which, so far as he knows, had never been exposed. It is certainly very striking, and not an easy thing to manage, for the purposes of vindication. It stamps the character of the document with a very unpleasant feature. If it was never discovered before, it is very singular. The author says, with great force: "In this attempt of General Jackson—not unsuccessful—to fasten upon the public, by misnomers, an argument to the prejudice of Mr. Clay, so utterly false and groundless in all its parts and bearings, a very grave question arises—whether he knew it?"

The author proceeds to say: "It was impossible for Mr. Buchanan to avoid his destiny." Hence his letter of August 8, 1827, to the editor of the Lancaster Journal, the whole of which, with parts of other letters and documents, is presented in a note, to be used as evidence. These documents are thoroughly analyzed and compared with each other, and with General Jackson's address to the public, to show what they prove. The result at which the author arrives, as stated by himself, is, that there is "not a particle or shade of evidence to support their charge against Mr. Clay;" that "their own management, their own talk, their own acts, their own *documents*, addressed against others, convict themselves!" that "the crime they charge is proved to be their own—out of their own mouths;" That "before a single witness from the other side is called to the stand, not only is the defendant justified, but the plain-

tiffs are arraigned on their own declaration, and the parties have changed their relative positions!"

Next comes the proof of a *negative*, introduced by the following and other prefatory remarks by the author:

"It may not be amiss, though no rules of justice can lawfully require it, to show what can be done in the *PROOF OF A NEGATIVE*. Innocent persons have sometimes been saved from unjust charges, by proof of an *ALIBI*, when they must otherwise have fallen. But it is not always that innocence escapes by such good fortune. The same is the effect of being able to prove a *NEGATIVE*, though neither law, nor justice, imposes the obligation. It is sometimes, however, the doom of necessity. Happily, in the case of the conspiracy now under consideration, there is now no necessity for it, inasmuch as the conspirators have so far disagreed, and managed their several parts with so little skill, that it was impossible they should not be ultimately exposed, though successful in accomplishing their main and original design."

There is an array of evidence on this point strong enough, in the number of witnesses, and in the weight of their names. Not less than fifty public men, with James Madison, Chief Justice Marshall, Daniel Webster and Lafayette at the head of the list, are brought into court, and their evidence is recorded. And what is singular, several Jackson men are among them—Mr. Benton for one—than whom, apparently, none give stronger evidence. The recantation of Carter Beverley, "the first apostle" of the second emission of the charge, when it started from the Hermitage in 1827, closes the list—a very remarkable document certainly.

On this evidence the author remarks;

"Some may say, that evidence of this kind, and to the extent given in this chapter, is superfluous. As a portion of history, it is not so; it is not so, in justice to Mr. Clay; it is not so, for the practical uses of political society. One of the greatest and most complicated crimes in the social and political history of mankind, involving momentous, stupendous consequences, has been committed; and notwithstanding that one generation has passed away, the wrong is still maintained; the moiety of a great nation have never yet seen it in its true light; hundreds of thousands believe in the wrong, by authority; one class of persons are influenced by one set of facts, another by another; and it therefore becomes necessary, for the attainment of the ends of truth and justice, to exhibit this piece of

history in all its essential parts. Setting aside the great fact established in the preceding chapters, *to wit*, that the conspirators have not only failed to exhibit a particle of evidence in support of their charges, but have convicted themselves of the crime they charge on others, it cannot but be very striking to all reflecting minds, that the **NEGATIVE** of the charge, as it respects Mr. Clay, is so fully and completely proved. Nothing within the range of evidence is left, except to exhibit the different forms and degrees of the crime of the conspirators."

In the author's reflections at this stage of the investigation, he says :

" As time advances, and as the passions of those concerned in the origination, and interested in the defence and support of this conspiracy, die away, by their own exit from the stage of human life, the public, the world, will become more and more amazed at the anomalous position of the parties, judicially considered, during the period comprehended in the inception, hatching, ripening, execution, and protracted sustentation, of this plot. That the **accusing** party, occupying such a high social standing, in a great community, professing to be governed by law and justice, should *presume*, should *dare*, to bring such a charge, without a shadow of evidence, without any expectation of being able, without even a design, to support it—with a fixed plan to *avoid* supporting it—will be a subject of increasing amazement, as the events recede in time, and public judgment becomes tempered with sobriety. That the **accused** party, also occupying an equally elevated standing—not to say more so—should be forced into such a position, and **HELD** there—a position, from which common law, and common justice, would instantly rescue the meanest citizen—will forever be a subject of just and increasing amazement! That this position of the parties, and *such* parties, should not only be tolerated for the instant, but permitted to remain for years, for an age, **FOREVER**, would in time be pronounced a fable, if history should neglect to register the FACTS!"

" What is that position? One party, interested even to the highest object of human ambition, is **PERMITTED**, with impunity, and without the responsibility of proof, to bring the gravest charges—charges amounting to crime of the foulest and most atrocious character—against a *supposed* rival, to keep this rival back, and put himself forward! The other party—whose fair fame, hardly earned in a long career of untarnished private honor, and of most

scrupulous fidelity to the public, precious to himself, and momentously important to the community—invokes proof, demands justice, and is denied both! While the **ACCUSER**, thus interested, and thus shielded, marches on, unobstructed and triumphant, to his goal, in contempt of all established principles of law and equity, the **ACCUSED**, driven from the only tribunal where justice could possibly be done, is compelled to go in search of evidence for the proof of a **NEGATIVE**, and use it, as best he can, without the sanction, without the solemnity, of public justice! The interested **FIAT** of the accuser, is permitted to pass for the full value and effect of proof, conviction, sentence, execution! Dodging responsibility when confronted by it, flying from court when justice calls him to her tribunal, the accuser is no sooner driven from one position than he takes up another, from which to iterate his charges!"

But the conclusion of the whole matter is an alleged disclosure, *to wit*, that an overture was made to Mr. Clay, by Mr. Buchanan, in the presence of a third person, now living; that when Mr. Clay was afterwards assailed with the charge of bargain, he notified Mr. Buchanan, that it might be his duty, in self-defence, to publish this occurrence; that he was persuaded by Mr. Buchanan's entreaties not to do it; and, that another corresponding overture was made by General Houston, late President of Texas, then member of Congress from Tennessee, to the Hon. S. Sloane, then member from Ohio, and now living, who certifies, that he understood it as an overture from General Jackson to Mr. Clay.

One of the concluding remarks of the author, is as follows :

" The most fearful lesson inculcated, in the results of this plot, is, that crime, in a republic, may triumph over virtue, and be rewarded. It has been proved that the purest reputation of a patriot and statesman, who may have gained his eminence by a life of constant self-sacrifice to his country, may be blasted in one hour, by the breath of calumny! In history, he may indeed rely on his verdict of acquittal. But what living man covets such an ordeal, for the sake of such a justification? Who ever considered himself better off, for having been on trial for a criminal offence, though he were vindicated at last, and the wrong-doer punished? All he has to console himself with, in the end, is that Justice, as between him and his persecutors, has pronounced her decision."*

A some have supposed that the Editor of this Review and the Author of this work are the same person, it is proper to say that they are not even of the same family.

THE FIGURES AND FIGURATIVES OF TOBACCO.*

Pro: "DIVINE TOBACCO."—*Spenser.*Con: "THE WEED SO MUCH ABUSED TO GOD'S DISHONOR."—*Stowe.*

AUTHORS seem determined that the "WEED" shall not want a literature: it has been praised or abused both in prose and verse. Kings, poets and divines have girded themselves up for the task. It would not be difficult to collect a *Library of Tobacco!* whose motto should be the following, in *choice* English:

" All dainty meats I do defy,
Which feed men fat as swine.
He is a frugal man indeed,
Who on a leaf can dine.
He needs no napkin for his hands,
His finger-ends to wipe,
That keeps his kitchen in his box,
And roast meat in his pipe."

That gives but one side of the story. His Royal Majesty, King James! may be heard "*counter-blasting*": "And for the vanities committed in this filthy custom, is it not great vanity and uselessness that, at the table, a place of respect, of cleanliness and modesty, men should not be ashamed to sit tossing of tobacco-pipes, and puffing of the smoke one into another, making the filthy smoke and stink thereof to exhale across the dishes, and infect the air, when, very often, men that abhor it are at their repast? But not only meal, but no other time nor action, is exempted from the public use of this uncivil trick; and is it not a greater vanity that a man cannot welcome his friend now, but straight they must be in hand with tobacco? No! it is become, in place of a cure, a point of good-fellowship, and he that will refuse to take a pipe with his fellows, though, by his own election, he would rather feel the savor of a sink, is accounted peevish, and no good company, even as they do with tipping in the cold Eastern countries:—yea, the kind mistress cannot more mannerly entertain her servant than by giving him out of her fair hand a pipe of tobacco. * * * Is it not the greatest

sin of all, that you, (James' subjects,) the people of all sorts in this kingdom, who are created and ordained by God to bestow your persons and goods for the maintenance of the honor and safety of your king and commonwealth, should disable yourselves in both?—in your persons, that you are not able to ride or walk the journey of a Jew's sabbath, but you must have a reekie coal brought for you from the next poor house to kindle your tobacco with. Now, how you are by this custom disabled in your goods, let the gentry of this land bear witness; some of them bestowing three, some four hundred pounds a-year upon this precious stink, which, I am sure, might be bestowed upon many for better uses. * * * But herein is not only a great vanity, but a great contempt of God's good gifts, that the sweetness of man's breath, being a good gift of God, should be wilfully corrupted by this stinking smoke. * * * It is a custom, loathsome to the eyes, hateful to the nose, harmful to the brain, dangerous to the lungs, and in the black fume thereof nearest resembling the black Stygian smoke of the pit that is bottomless. * * * Were I to invite the devil to dinner, I should set the following three dishes: first, a pig; second, a poll of ling and mustard; and third, a *pipe of tobacco* for digesture."

Oh, "gentle-hearted, glorious Elia!" as the world loves to call thee, it was well that thou camest to the rescue! What with His Majesty, his dinner and the devil, "the trade" would, otherwise, at last, have reeled and sunk forever under that "Counter-blast," whose earnestness and style are alike vehement and rugged. This of Elia's!—

A FAREWELL TO TOBACCO.

" May the Babylonian curse
Straight confound my stammering† verse,

* THE MYSTERIES OF TOBACCO, by Rev. Benjamin J. Lane; with an Introductory Letter, addressed to Hon. John Quincy Adams, LL. D., by the Rev. Samuel Hanson Cox, D.D. New York: Wiley & Putnam. 1845.

† The second line of this quaint "*Farewell*" reminds us of an anecdote, in which Lamb's "stammering" told gloriously. Coleridge once asked Lamb if he had ever heard him *preach*. "He-a-rd you p-p-preach, s-s-sir? I nev-nev-er hear-r-d you do-do *any*-thing else?" was Elia's witty reply.

If I can a passage see
In this world-perplexity,
Or a fit expression find,
Or a language to my mind,
(Still the phrase is wide or scant,)
To take leave of the 'GREAT PLANT'?

Sooty retainer to the vine;
Bacchus' black servant, negro fine;
Sorcerer! that mak'st us dote upon
Thy begrimed complexion.

Stinkingest of the stinking kind,
Filth of the mouth and fog of the mind,
Africa, that breeds her foyson,
Breeds no such prodigious poison—
Henbane, nightshade, both together—
Hemlock, aconite—

Nay, rather,
Plant divine of rarest virtue;
Blisters on the tongue would hurt you—
'Twas but in a sort I blamed you,
None can prosper who defamed you?"

But we must not wander in search of quiddities, and neglect the *quids*. It seems that when Lamb apostrophizes tobacco as the "plant divine" he is not to have it all his own way. Mr. Lane has furnished us with a book which may be entitled "*Counterblast the Second*," prefaced by a divine, (Dr. Cox,) who is fully as remarkable for his numerous eccentricities as for his pious eloquence. Tobacco looms up tall and ghastly before the Doctor's horrified optics. The classic grandeur of the following paragraph would not fall below the learned majesty for which one might naturally look in a dissertation on the "Odyssey" or "Æneid." "Whatever," says the Doctor, "may be the success of this work, and we hope in God for much from man, it will be our solace in any event that we have done right and endeavored to benefit our fellow-creatures. When the nondescript prodigy of the Wooden Horse stood before the open gates of the wondering Trojans, it looked as innocent(!) and friendly(!) and desirable(!) on the whole, to them, as TOBACCO ever does to the Americans. They were deceived by appearances, and the advice of the silly and fashionable Thymetes was followed, against the unpalatable warnings of Capys and Laocoon. [The classic Thymetes, we suppose, is represented by Mr. Cox or Mr. Lane, and Capys and Laocoon by Mrs. Miller and John Anderson!] The words of the latter [Laocoon or Mrs. Miller] remind

us of the faithful appeals of our author [Mr. Thymetes Lane]; though he, I trust, will not so vainly tell the truth of his countrymen. Let us recall them:

"*Et procul: O miseri, quæ tanta insanias
cives?*
Creditis avectos hostes? aut ulla putatis
Dona carere dolis Danaum? Sit notis
Ulysses?
Aut hoc inclusi ligno occultantur Achivi;
Aut haec in nostras fabricata est machina
muros,
Inspectura domos, venturaque desuper urbi;
Aut aliquis latet error; equo ne crediti,
Teucri,
Quicquid id est, timeo Danaos et dona fe-
rentes."

Which we thus accommodate:

"What madness this, with thundering
voice he cries,
O citizens, your welfare to despise?
Trust ye the monster is in—"

There! that will do—we have no notion of breaking forever the music of Virgil by any English "accommodation."† But with all our boyhood associations clustering like Spring's foliage around us, we roll out, un-Anglicized,

"*Quicquid id est, TIMEO DANAOES ET DONA
FERENTES.*"

The echo gives back Virgil grandly—and it is an American echo, too: think of that, O Roman bard among the shades! The Doctor also gives us a touch of his *Greek*. He does not like the word "gentleman;" "Its etymology," he says, "is rather heathenish. It is 'gens' in Latin, 'εθνος' in Greek, and in Hebrew a synonym of mere opprobrium. Gentilism is from the same root, and means heathenism. A respectable heathen, then, is a gentleman. [And why not?] If a *gentleman*, then, were a heathen, then, even a smoker, or a snuffer, or a chewer, it would not prove much in the estimate of a Christian or a philosopher, in favor of tobacco." Oh, weighty logic! Oh, potent conclusion! We are favored with an anecdote of Gouverneur Morris. We condense it. Morris, at a dinner given him by some of his Philadelphia friends, met a Rev. Doctor—, who was extremely addicted to the weed in one of its most approved shapes—the cigar; indeed, for aught that we know to the contrary, he might have been the author of

* Two celebrated tobaccoconists in New York.

† We except Dryden's.

"THE PANEGYRIC ON TOBACCO.

" Sublime Tobacco ! that from East to West
 Cheers the tar's labor or the truckman's rest,
 That on the Moslem's ottoman divides
 His hours, and rivals opium and his brides !
 Magnificent in Stamboul, though less grand,
 Though not less loved, in Wapping or the Strand—
 Divine in hookahs—glorious in a pipe,
 When tipped with amber, yellow, rich and ripe;
 Like other charmers wooing the caress
 More dazzlingly when glaring in full dress.
 Yet thy true lovers must admire by far
 Thy naked beauties. Give me a cigar !"

That last half-line convinces us that Dr. —— *was* the author—*vide* the story. The Doctor was eminently addicted to the smoking mania, which Morris, with elegant consistency, disdained. After dinner, some fine yellow Spaniards were served, when the Doctor reached prompt and far to secure one, not unobserved by Mr. Morris. The *consciously awkward* action (Ah, Dr. Cox, you never saw *Henry Clay* take a pinch of snuff in the Senate chamber !) occasioned a mutual glance, when the following dialogue ensued, to the no small interest of the arrested circle :

Dr. Do gentlemen smoke in France, Mr. Morris?

Gouverneur. Gentlemen, Doctor, smoke nowhere.

Dr. (replying, instead of throwing a tumbler at his head). What, sir ? Oh ! Pardon—hope I don't offend, sir !

Gouverneur. Oh, no ! It takes all sorts to make a world. (*Fine slang !*) 'Gentleman,' in Paris, means something, Doctor. Smoke, then, if you choose. We have old clothes on—I was not however aware of your habit (alluding to his clerical profession). "The reproof was felt by more than the Doctor. The cigars were not patronized." " And it (the anecdote) ought to be immortalized in story :"—verily so, *if true*, Mr. C. ; just for the sake of showing that *Gouverneur Morris himself* was no gentleman. Do we believe all this farrago ? Ask us if we believe in the existence of "Simm's Hole," Tobit's Fish story, or Chinese progression. If "the *Mysteries of Tobacco*" reaches another edition, let this anecdote be expunged. The Doctor in his list, a very long one, of the evils to which tobacco leads, tells us, " Many a clergy-

man has disgusted a congregation, *lost a good settlement !* and injured the best of causes, by his ignominious indulgences of this sort." That may all be true, although we have in our eye a preacher with whom "fine-cut" and eloquence seem to be synonymous—and so long as the latter flows in such glorious torrents, the good congregation ought not to be too particular as to that (not very beautiful substance, we confess) which flows with it. Let us remember the proverb, and look not the gift horse in the mouth.

The Doctor at last becomes quite wrathy and says, " Some chewers seem to need a spittoon in their pew not only, but two or three of them, large ones, with a pew to themselves twenty feet from any decent person." Now the words here seem to have taken it into their heads to dance a cotillion round the ghost of Lyndley Murray, and the Doctor laid hold of them before they had settled down "*as they were*." No matter ; while our author is exclaiming—" *Balancez ! chassez all !*" we shall try to get at his meaning, which undoubtedly is this—" Any man who will chew tobacco and spit over the floor of a church is a dirty, a *very* dirty fellow. It is a wonder that he does not, at last, convert the very pulpit into a spittoon and throw his quid into the contribution box." Let all men assent.

Dr. Cox, with the usual grandiloquence that characterizes his Introduction, calls the stomach " that wondrous laboratory of all the pabulum of life ; that central and primary and all-controlling organ of our wonderfully compounded being in this world !" Now, Abernethy settled this matter of the stomach much more concisely : " Gentlemen ! (said he to his class) some have called the stomach a laboratory ; some have likened it to a stewing-pan ; some to this, some to that : Gentlemen, a stomach is a—stomach !"

The body of the work is by Mr. Lane. It is written, generally, in a full, clear, and unambitious style ; and affords some startling facts. We have long been convinced of the deleterious influence of tobacco, and are glad to see a compilation of its evils such as we find in the book before us.

The experiments which have been made with the weed on birds and animals by physicians, are given with much minuteness. " *Fontana*," we are told, made a small incision in a pigeon's leg, and applied to it the oil of tobacco. In two minutes it lost the use of its foot.

The experiment was repeated on another bird with the same result. He introduced into the pectoral muscles of a pigeon a small bit of wool covered with this oil: the pigeon, in a few minutes, fell insensible. A thread, drawn through a wound made by a needle in an animal, killed it in the space of two minutes." Very well—no doubt of it; but read that to an inveterate lover of a "long nine," or a plug of "Honey Dew," and with a stare which would do honor to the Fellows of Brazen-Nose, he will seriously tell you, that *he* is not a *pigeon*, or a *dog*, or an *ass*—insert as much oil of tobacco into *him* as you please, *his* leg won't be paralyzed—no, *he* would hop off lively as a kangaroo—indeed, your experiments would save *his* purse "very considerably." We are really afraid that Mr. Lane will not affect the price of tobacco: this is a hard generation!

"Tobacco," says our cyclopedist, "contains an oil of a poisonous quality, which is used in some countries to destroy snakes, by putting a little on the tongue; on receiving it, the snake is seized with convulsions, coils itself up and dies; and, what is very singular, becomes almost as stiff and hard as if it were dried in the sun. Many insects die instantly by having tobacco-smoke blown upon them." We are afraid that Mr. Lane will find the effect of this paragraph on the tobacco-votary as unfortunate as the one first quoted. Our friend of the "regalia" or "Honey Dew" will only declare that *he* is not a *snake*; *he* does not go a-licking the dust and bruising people's heels, nor heads either, except "negro-head." But here is something more pungent:

"A person of my acquaintance," says Dr. Clarke, "who had been an immoderate snuff-taker for upwards of forty years, was frequently afflicted with a sudden suppression of breathing occasioned from a paralytic state of the muscles which serve for respiration. The only relief she got in such cases was from a cup of cold water poured down her throat. This became so necessary to her that she could never venture to attend even a place of public worship without having a small vessel of water with her, and a friend at hand to administer it! At last she abandoned the snuff-box; the muscles re-acquired [re-sumed would be the better word] their proper tone, and in a short time after she

was entirely cured of her disorder, which was occasioned solely by her snuff-box, and to which she had nearly fallen a martyr." A warning this to all old ladies, how they permit the embraces of "Irish Blackguard" or "American Gentleman." Again: "Common snuff," says a sensible medical practitioner, "in habitual snuff-takers, has been found to penetrate into the *sinuses* communicating with the nose, and into the *antrum*, where it has formed horrid abscesses: it is often carried down into the stomach, and, by the use of it, the skin is tinged of a pale-brown color. * * * Many cases have been observed where the appetite has been almost destroyed, and *consumption* brought on by the use of this powder." Again: "'I recollect,' says a French medical writer, 'about twenty years since * * I encountered a man stretched on the ground: I supposed him to be dead, when, upon approaching him, he asked in a feeble voice for snuff.' The Doctor had none. 'In this condition he remained till I brought a person who gave him several pinches, and he then informed us that he had commenced his journey that morning, supposing he had his snuff-box with him, but found very soon that he had started without it; that he had traveled as long as he was able, till at last, overcome by distress, he found it impossible to proceed further: without my timely succor he would certainly have perished.'" We have a story to match. A western hunter, on starting to cross a wide prairie, forgot his tobacco-pouch: when "half way over," he felt his loss in all that physical and mental agony which only the weed-user can comprehend. At last Nimrod espied a dim form afar off, which his hope limned into the human shape. He gave chase: after an hour's hard riding he overtook the object, which proved to be a brother chip. Breathlessly he asked if he had any "tobacker." "I have jist put my last piece in my mouth," was the reply. "Wild-cats bamboozle me!" exclaimed Nimrod. But a bright thought struck him. "Stranger! can't you *divide*?" "Oh, yes!" and the already moistened plug was disgorged, cut in half and shared. Now this story will not surprise any tobacco-chewer, and no one else has a right to doubt it. It shows the terrible sway which a vile plant may acquire over a being who has once surrendered himself up to indulgence.

A few paragraphs more from Mr. Lane: "Dr. Rush relates that Sir John Pringle was afflicted with tumors in his hands, and had his memory impaired by the use of snuff; but on abandoning the habit at the instance of Dr. Franklin, he found his power of recollection restored, and he recovered the use of his hands." *** Macnish, in his Anatomy of Drunkenness, says, "The effects of tobacco are considerably different from those of any other inebriating agent. When used to excess, instead of quickening, it lessens the pulse, produces languor, depression of the system, giddiness, *confusion of ideas*, violent pain in the stomach, vomiting, convulsions, and even death." "Tobacco has been known, like alcohol, to issue in *delirium tremens*." "Tobacco often produces insanity. We have the clearest evidence on this point." "Looking at the moral influence of the habitual use of tobacco, it is not singular that in the early commencement of the habit, [*when it first came into use*] many thought it originated with the devil." ** Catharine De Medicis, the person said to have prompted the horrible massacre of St. Bartholomew's Day at Paris, is commonly regarded as the inventress of snuff-taking. "What reception," says Dr. Rush, "may we suppose would the apostles have met with had they carried into the cities and houses to which they were sent, snuff-boxes, pipes, cigars and bundles of cut or rolls of hog or pigtail tobacco? ** The Indians were accustomed to use it in order to open a conference with the spirit of Evil." "The following singular calculation was made by Lady Hester Stanhope: Every professed inveterate snuff-taker, at a moderate computation, takes one pinch every ten minutes. Every pinch, with the agreeable ceremony of wiping and blowing the nose, and other incidental circumstances, consumes a minute and a half. One minute and a half, out of every ten, allowing sixteen hours to a snuff-taking day, amounts to two hours and twenty-four minutes out of every natural day, or one day out of every ten. One day out of every ten amounts to thirty-six days and a half in a year. Hence, if we suppose the practice persisted in for forty years, two entire years of the snuff-taker's life will be dedicated to tickling his nose, and two more to blowing it." Of smoking in England: "This plague, like the

Egyptian plague of frogs, is felt everywhere and in everything. It poisons the streets, the clubs, and the coffee-houses; furniture, clothes, equipage, and persons are redolent of the abomination. *** Every eatable and drinkable—all that can be seen, heard, felt or understood—is saturated with tobacco; the very air we breathe is but a conveyance of this poison into the lungs; and every man, woman and child rapidly acquires the complexion of a par-boiled chicken. From the hour of their waking *** to the hour of their lying down, the pipe is never out of their mouths. One mighty fumigation reigns, and human nature is smoked dry by tens of thousands of square miles." "While German physiologists compute that, of twenty deaths, between eighteen and thirty-five years, ten originate in the waste of the constitution by smoking; it is the opinion of some of the best physicians in our country, that more than twenty thousand die annually in the United States by reason of the use of tobacco. "The money which a tobacco-consumer expends in the course of forty years, (for his weed,) put to compound interest, would be quite a fortune."

The volume is rich in epistolary writing. From a letter to the author by a Mr. K. E. G., we quote the following *moreau*: "You ask how it (tobacco) affected me? Well, sir, it made me feel mean, look mean, and very probably act mean; made my eyes weak, destroyed my appetite, disturbed my rest, gave me severe and almost constant pains in my breast, made me low-spirited, and, at times, *very dejected*; in short, seriously injured me physically, morally and mentally." Bad enough, by all the Meerschaums! But K. E. G. may congratulate himself that he only felt *mean*. What would he think of a man whose head became so affected by the use of the plant, that he determined to take the lease of a tenement in Crazydom? The terms were quite reasonable, considering the circumstances, and Mr. B. was duly installed *major domo*. Strange scenes were enacted in that building. In the morning the proprietor would imagine himself an "*Havana*" and offer to let himself out for a smoke to every passer-by: at noon the freak would change; and supposing himself to be an exhausted quid, he would curl his body up in a corner, looking and feeling intensely miserable:

at night he would slowly unroll, and ticket himself, "Prime Rappee"; and, provided the whim seized him, that, his imaginary customers were just beginning to learn the glories of snuff-taking, he would go to bed with the most obstreperous sneezing. The last whim-wham of the old fellow is, that he is a hogshead of "Kentucky first rate," and he has solemnly labeled himself "Ready for Inspection." Mournful are the ravages of the intoxicating plant!

Mr. Adams' letter is as follows:

"Quincy, Mass., Aug. 19, 1845.

"DEAR SIR—I have received your letter of the 13th instant and shall deem myself highly honored by the inscription to me of your introduction to the proposed publication of the Reverend J. B. Lane's work on TOBACCO AND ITS MYSTERIES. In my early youth I was addicted to the use of tobacco in two of its mysteries, smoking and chewing. I was warned by a medical friend of the pernicious operation of this habit upon the stomach and the nerves; and the advice of the physician was fortified by the results of my own experience. More than thirty years have passed away since I deliberately renounced the use of tobacco in all its forms; and, although the resolution was not carried into execution without a struggle of vitiated nature, I never yielded to its impulses; and in the space of three or four months of self-denial, they lost their stimulating power, and I have never since felt it as a privation.

I have often wished that every individual of the human race afflicted with this artificial passion, could prevail upon himself to try but for three months the experiment which I have made! *sure that it would turn every acre of tobacco-land into a wheat field and add five years of longevity to the average of human life.*

I am, with great respect,
Dear Sir, your friend and

Christian Brother,

JOHN QUINCY ADAMS.

Rev. S. H. Cox, D. D., Brooklyn, N. Y."

The *italics* in the above valuable document (for every writing from Mr. Adams becomes documentary) are our own. As trophies of his mighty prowess, the demon of tobacco can point with all safety to the exhausted lands of Virginia, and to the ochre-colored, lanthorn jawed, consumptive faces of the majority of his votaries. Were we commanded to symbolize the re-

generation of man, we should represent a stout Caucasian with one foot on a broken pipe, the other in a Croton bath, and an archway overhead on which should glister out in gold-letters around an empty demi-john, "PHYSICAL REFORM." The meliorators of our age overlook the first step to regeneration—the *health of the body*. "Next to godliness is cleanliness."

Our eccentric author says: "To write against tobacco, with its mysteries and its luxuries, may be an unpromising business. We fear the Doctor is correct. Let him open his eyes and look at the statistics of the weed! In this blessed land, one million, four hundred thousand are engaged in planting, curing, wholesaling, retailing and shipping tobacco! and *several* millions are earnestly consuming it! "Read and tremble!"

It is said "that the annual consumption amounts to upwards of one hundred millions of pounds—giving seven pounds to every man, woman and child." "The sum annually paid by the consumers of the plant, in its manufactured state, has been computed at \$20,000,000. The annual consumption in New York alone, amounts to \$3,650,000.

STATEMENT—Showing to what countries the larger portion of American Tobacco was exported during 20 years, from 1821 to 1840.

	Hhds.	Value.
England,	521,640	\$50,194,466
France,	146,834	16,361,346
Holland,	423,707	21,907,462
Germany,	373,918	18,734,186
All other countries,	322,901	
		Total, 1,759,000

During eight years the people of this country, (according to the statistics which are preserved in the Treasury Department), paid other nations for cigars \$7,388,557: during twenty years, for tobacco other than snuff and cigars, \$63,619, and consumed during the same period 72,839 pounds of snuff.

Mr. Ellsworth, Commissioner of Patents, furnished the following tables. Our readers can here see what share their respective States have in cultivating King James' "digesture."

Pounds of Tobacco gathered in each State and Territory in 1842, as appears by an estimate furnished Congress by Mr. Ellsworth, Commissioner of Patents.

States.	Pounds.	States.	Pounds.
Maine,	82	South Carolina,	55,654
New Hampshire,	290	Georgia,	141,523
Massachusetts,	97,217	Alabama,	264,018
Rhode Island,	499	Mississippi,	145,212
Connecticut,	630,275	Louisiana,	118,146
Vermont,	781	Tennessee,	28,237,171
New York,	1,086	Kentucky,	45,494,083
New Jersey,	2,958	Ohio,	5,264,766
Pennsylvania,	480,374	Indiana,	2,660,408
Delaware,	401	Illinois,	984,960
Maryland,	21,199,696	Missouri,	12,727,350
Virginia,	59,227,369	Arkansas,	212,226
North Carolina,	16,127,474	Michigan,	2,725
		Florida,	86,877
		Wisconsin,	363
		Iowa,	11,154
		District of Columbia,	65,652

Table showing the aggregate amount of manufactures of Tobacco, number of persons employed, and capital invested, in the United States.

States.	Value of manufactured articles.	No. of persons employed.	Capital invested.
Maine,	\$18,150	87	\$6,050
New Hampshire,	10,500	17	2,100
Massachusetts,	176,264	286	90,500
Rhode Island,	71,560	123	34,900
Connecticut,	122,684	233	67,875
Vermont,			
New York,	831,570	669	395,530
New Jersey,	92,600	106	47,590
Pennsylvania,	530,159	950	257,859
Delaware,	17	34	5,800
Maryland,	232,000	278	125,100
Virginia,	2,406,671	3,342	1,526,080
North Carolina,	189,168	482	91,065
Kentucky,	413,585	587	230,400
Ohio,	212,818	187	68,810
Indiana,	65,659	88	24,706
Illinois,	10,139	24	3,093
Missouri,	89,996	188	51,755
Arkansas,	750	3	250
Michigan,	5,000	12	1,750
Florida,	10,480	21	5,240
Iowa,	40	2	
District of Columbia,	37,280	—	16,950
Total,	\$7,547,090	7,719	\$3,093,403

The amount of tobacco grown in European countries is very great—greater than any would imagine who have not paid attention to the subject. In Russia there are annually produced 21,000,000 pounds; in Denmark, 225,000; in Holland, 5,800,000; in Belgium, 1,140,000; in France, 26,000,000; in Germany, not including Austria, 40,000,000; in Austria and dominions, 35,000,000; in Sar-

dinia, 378,000; in the Roman States, 1,115,000; in Naples, 1,125,000; in Switzerland, 296,000; in Wallachia, 1,350,000; in Poland, 3,150,000;—making a total of 36,680,000 pounds, or 113,900 hogsheads, every year. Immense, however, as this amount is, the following table will show that there is nearly an equal amount exported to Europe from this country:

*Showing the number of hogsheads of tobacco actually consumed in Europe, and the estimated amount of revenue derived by each Government from the same,**

Countries where consumed.	No. hhds.	Revenue.	Duty Paid.
Russia,	358	\$64,000	Per 100 lbs., leaf and stems, \$10 66; leaves without stems, \$21 32 per 100 lbs.
Holland,	3,300	5,200	Leaves and stems, 42½ cts.
Belgium,	4,000	12,000	Maryland, 21½ cts., and Virginia, 23½ cts.
Great Britain,	18,000	17,275,000	\$72 75.
France,	10,000	5,500,000	Monopoly, or \$1 57 for every 2 packages not exceeding 22 lbs. weight.
Spain,	3,000	5,000,000	Monopoly.
Portugal,	363	540,000	Ditto.
Italy, say Sardinia,	1,200		
Parma,	130		
Tuscany,	425		
Roman States,	300		
Naples,	400		
Austria and its dominions,	4,000	3,400,000	\$7 20 per 123 lbs.
Germany, (not including Austria,)	38,000	1,200,000	3 23.
Sweden and Norway,	1,800	70,000	3 29.
Denmark,	1,800	5,620	42½ cts.
	87,076	\$35,071,820	

In France—

“ The retailing of tobacco is made by persons authorized by the *régie*.

The following will show the net benefit derived from the *régie* to the French treasury from 1811 to 1833, inclusive:

According to an official statement the net benefit was francs 1,011,299,757

The advances made by the treasury, on the establishment of the exclusive system, were as follows:

A loan to the *caisse de service*, francs 69,000,000

Amount of the guarantee (cautionnements), francs 35,662,190

104,662,190

Sum total for which the *régie* has to account, francs 1,115,961,947

The payments into the treasury by the *régie* have been francs 1,058,298,508

The value of the capital of the *régie*, according to the inventory of 31st December, 1835, francs 57,945,215

Of which 47,611,585 francs for the intrinsic value of the tobacco composing the supplies of the *régie*, but from which should be deducted the balances to be paid at that period, &c. francs 281,776

57,663,439

francs 1,115,961,947

Average amount of benefit for one year, francs 44,638,478

Equal to francs \$8,332,515

* We have reason to think that the above statement is very nearly correct, though the import into Russia must have been, for some years, four or five times as much. It will be seen by the table what an immense duty is laid, in the European states, on American Tobacco, and what a revenue is derived—\$35,000,000 annually! These 85,396 hogsheads of American Tobacco, yielding this revenue, cost in the United States only \$6,450,820, little more than a sixth.

But to the above amount should be added the losses of the régime in consequence of the invasion, and of which no mention is made in the above statement.	
Tobacco demanded or abandoned,	19,500,000
Houses and utensils,	1,500,000
The régime has likewise delivered up to the administration <i>des domaines</i>	
sundry buildings, valued at about	540,000
	francs 21,540,000
On the other hand, there should be deducted for the expenses of former	
balances, and which do not figure in the above,	2,000,000
	francs 19,540,000
Average for one year,	781,600
Equal to	
Amount of average of one year (as above),	\$144,898
	8,332,515
Total average of one year's benefit to the régime,	\$8,447,413

In 1837, the monopoly of tobacco produced to the French treasury a profit of 59,000,000 francs, equal to \$11,113,333, being 3,400,000 francs more than in 1836. The profits gained by the 25,832 authorized retailers amounted to 11,809,773 francs, equal to \$2,204,490. It has been calculated that, as the population at the end of 1836 amounted to 33,331,021 souls, the annual consumption of snuff for each individual was about 6½ ounces, and of smoking tobacco 8½ ounces."

Here is a gem taken from the "Literature of Tobacco." We recommend it to the especial attention of Mr. Lane.

To the Honorable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled:

The humble petition of the operatives and other members of the laboring classes in the city of Bristol,

SHOWETH :

That the use of manufactured tobacco has become necessary to them during the hours of toil, and their chief consolation when they cease from labor; but the present high cost prevents their enjoying it, without depriving their wives and children of many comforts.

That your petitioners, as dutiful and loyal subjects, are always ready to contribute their full share towards maintaining the dignity of his Majesty's crown; and upon all occasions, both by land and sea, they have cheerfully shed their blood to uphold the honor of the empire.

That the enormous tax upon tobacco has led to such an extensive clandestine introduction of it, that, from the hard earnings of your petitioners, a sum is raised upon them by Government of three millions, and further sum of four millions of money by muggling.

That your petitioners rely upon the paternal care of your honorable House to relieve them from this oppressive tax, and humbly pray that the duty upon tobacco may be reduced, so that they may enjoy the use of it at a price consistent with that paid by persons of their class of society in other

commercial countries, and without inflicting an injury on their families by the indulgence of this, their only luxury.

And your petitioners, as in duty bound, will ever pray.

To return home. The manufacture of fine-cut tobacco, for chewing, has greatly increased within the last few years, and is now almost exclusively used in the Northern and Eastern States. It is manufactured, principally, from Kentucky Leaf. Fine-cut tobacco, when pure, is now preferred at the North, and consequently Virginia is a deep loser, as her Cavendish no longer finds a market. It was formerly a law of the Old Commonwealth, that all inferior leaf tobacco should be rejected at the inspection and destroyed, so that the high character of her staple should be maintained throughout the world. That wise law the Legislature repealed; and since the repeal, all the inferior article has been manufactured into lumps and sweetened with liquorice and molasses to disguise its inferiority, and shipped under various fanciful brands.

If this course should be persisted in, the time is not far distant when Virginia lump will be unknown at the North, and "Fine Cut" have the field to itself. A statement of the mode of manufacturing the latter article will, no doubt, be interesting, as the whole subject of tobacco assumes much importance on a view of its enormous statistics, and the process through which it must pass to be suited

for consumption, presents scientific features. We have personally made ourselves acquainted with that mode, by examining the details in one of the largest manufactories in the country, Mr. Anderson's—an establishment to which the many premiums bestowed upon its productions by the American Institute led our investigations. In the lower story of the factory, we found some 20 hds. of tobacco, stript of their staves, from each of which a number of hands were taking equal quantities. These they mixed for the purpose of giving a uniformity to the plant. From the mass the finest quality was selected for "chewing," which the workmen neatly place in racks. The remainder is assorted for "smoking," and certain kinds of snuff. The next movement is to spread the leaf on a platform, where it is dampened with pure water. After this process it is taken up to the second story, where the "main ribs" are stripped off by boys. The leaf next passes into the hands of men, who stretch it on a table and carefully brush out the sand which was insinuated into the under-leaf while growing. It is then taken by others and put into "condition," and carefully straightened and pressed into long boxes by means of machinery. After remaining a short time in press, it is taken in squares and placed in the cutting machine, upon a polished horizontal iron trough, and again pressed with a follower until it becomes solid. The tobacco, thus condensed, is now progressively moved forward upon the bed by ingeniously contrived machinery, to meet a revolving blade attached to a huge cast-iron cylinder, which makes 200 revolutions per minute. The speed of the feeding screw regulates the fineness of the "thread" in which the tobacco is cut. The whole apparatus is propelled by steam power. After dressing, the "Cut" is sent to the loft, where it is dried on stages; when it is put in airtight bins, (regularly numbered.) The "principles" are here left to act on each other. The season, and judgment of the manufacturer, regulate the length of the fermentation period. As tobacco contains a great quantity of azote, which by fermentation produces ammonia, (the first portions evolved mingling with the acid juices of the leaf and the rest serving to volatilize the odorous principle,) great care must be taken in moderating the fermentation, to prevent a putrefactive state, which causes a musty and nauseous smell and taste. When taken from the bins, it is removed to the packing-room, where it passes through a course of dressing in

wire sieves, which remove the "shorts" from the "long cut." The last process is to pack the memorable "Honey Dew" in papers, when it is ready to tickle the palate, ruin Brussels carpets, and rouse the ire of Mr. Lane!

On viewing the neatness and vastness of the factory where so large a number of operatives were employed, we deeply lamented the waste of physical and mental labor on a plant so deadly in its nature. We earnestly recommend Mr. Anderson and his co-workers to a perusal of "Counterblast the Second."

We must close, and how? By exhorting the German to throw away his sacred meerschaum, which we verily believe he smokes even when asleep? or by entreating the French Mademoiselle to extinguish her cigarette in a glass of *eau sucre*? or by blarneying Pat out of his "dudheen," begrimed by the smoky breath of a hundred centuries, and endeared by the lips of ten thousand progenitors? or by advising Uncle Sam to stop the supplies of the Red man, whom we intend to kill with treaties and whisky? or by recommending all benevolent publishers to furnish *gratis* Mr. Lane's pretty book to the maniacs who "smoke, chew and snuff?" Or shall we permit a Boston bard to close for us?—

ODE TO MY CIGAR.

BY CHARLES SPRAGUE.

Yes, social friend, I *love* thee well,
In learned *doctor's* spite;
Thy clouds all other clouds dispel,
And lap me in delight.
What though they tell, with phizzes long,
My years are sooner passed?
I would reply with reason strong,
They're brighter while they last!
When in the lonely evening hour,
Attended but by thee,
O'er history's varied page I pore,
Man's fate I read in thee.
Oft as thy snowy column grows,
Then breaks and fades away,
I trace how mighty realms thus rose,
Then tumbled to decay.
Life's but a leaf adroitly rolled,
And Time's the wasting breath
That late or early we behold
Gives all to dusty death.
And what is he who smokes thee now?
A little moving heap
That soon like thee to fate must bow,
With thee in dust must sleep.
But though thy ashes downward go,
Thy essence rolls on high—
Thus when my body lieth low,
My soul shall cleave the sky.

"ANGELS AND MINISTERS OF GRACE."

BY IL SECRETARIO.

PONDERING much, the other day, on certain public problems of the times, and meditating the mazes of street-construction, Abstractions, State Rights, (those of Rhode Island particularly,) it occurred to us to consider whether, in the rapid spread of that sort of patriotism which glows in the hearts of the crowds lately filling our city of Washington, that poor ten miles itself may not, presently, through the magnificent strides of power and population which we are making, come to be infinitely too small to contain the mighty hosts of office-seekers; so that, after a while, there will be no room left thereabouts for cringing, nor for dancing attendance—unless, indeed, in the progress of democratic perfectibility, they of that angelic faith should soon grow as ethereal in substance as in doctrine, and be able to dance—as it is averred that angels can do—ten thousand of them on the point of a single needle, without jostling.

Angels and Locofocos thus mixed in our musings, we grew, like Othello, "perplexed in the extreme;" sucked in, and not without danger of drowning—like a German or other disciple of Pure Reason—in the vortex of our own thoughts. There we should certainly have perished, but that, in aid of our own strong destiny of choking in a different element, we fell in with a wonderfully inflated bladder, in the shape of a Virginia Impracticable, borne up by the utter incapacity of which to get one inch below the surface of anything, we escaped.

Mindful, however, of the danger we had run, and determined never again to be swamped in two such contrary thoughts, we had no sooner got upon dry land once more, than we fell to work to clear up one of the subjects at least—that of angels: the other, we knew, it was impossible to understand.

Remembering, then, to have, erewhile, met somewhere a chapter upon angels, we turned to the "Summa Theologica" of St. Thomas—not of Monticello, but of Aquinas—confessedly better acquainted with the seraphic race than was ever anybody else—witness his title of "the

Angelic Doctor"—for he appears to have practiced among them. Diligently perusing all the three hundred and fifty-eight questions in which he discusses the nature, substance, ranks, habits, and especially offices, of angels, we were astonished to find, after all, in how many things the celestial and official natures agree—at least according to democratic accounts; how like, in most things, the Abstractionists are to the yet diviner inhabitants of the same airy regions; how merely the innocent thoughtlessness of the cherub is embodied in the whole-hog man; how completely the higher intelligence of "the rapt Seraph that adores and burns" is found in the Barn-burner, or not less flaming Old Hunker.

The hierarchy of Angels is set forth, by order, in Milton's enumeration:

"Thrones, princedoms, dominations, virtues, powers."

The only difference is, that while, in both, the thrones hold the highest place, among the democracy the virtues have the lowest, if any at all. They are held to be incapable of all public trusts and party utility, except that of doing whatever worse folks bid them do.

Thomas Aquinas says that the angels "were created in grace, but yet in imperfect beatitude." So, manifestly, were predestinate Locofocos, even though born and bred Federalists. For what is grace but the capacity, the susceptibility of office that is to be? and how can there be any democratic beatitude without it? All soldiers love victory; but these warriors love, not the tree, but its fruits—not victory, but "the spoils"—not "beauty," but "booty." For this they fight; for this dare the deeds of death that every democrat performs; for this encounter the utmost perils of election-days and pot-houses—an impregnable phalanx, firmly "banded together" (as one of their great authorities avers) "by the cohesive power of public plunder."

Again, the Angelic Doctor maintains, and of course establishes, "that angels are not, but might have been, elder than the earth." Now, who, according to Dr.

Johnson, was the first democrat, the first party-leader, we will not mention to ears polite, nor the blessings conferred upon his followers by the system, then first attempted, of freedom without what can alone set free—virtue and sense. The events to which we allude occurred about the time of the creation of the world, as is supposed. Equality was the inciting object, the popular feeling, employed in the double revolution then accomplished. Certain angels were, by an envious and ambitious leader, who loved better to reign among the bad than serve among the good, taught to believe that there was no difference among angels; and soon after the same democratic teacher informed mother Eve that she had but to pluck and eat a certain apple, in order to become godlike in knowledge and power. Thus Democracy, and the angels, and the world are about coeval.

Thomas Aquinas also argues, with prodigious force, "that angels are not precisely corporeal, nor yet altogether incorporeal. In regard to God, they are the former; in regard to men, they are the latter."

Now the same proposition is manifestly true as to Locofocos—some of whom, especially, are of a wonderful tenuity; while others partake, in some very small degree, of the nature of substance. Measured by human things, an Abstractionist is totally incorporeal—a sort of quintessence of immateriality; but meantime a rotationist or a spoils-man is, in comparison with celestial substances, pretty carnal. Apparently they are disembodied spirits, but not without strong fleshly propensities. Herein, again, they agree with the angels: for everybody has heard how these, upon a certain occasion, fell in love with mortal females; and just so the Locofoco, forgetting his ethereal nature, is certain to contract a most mundane affection for a human nymph, of most bewitching mien, called "the spoils," or for a fair sister, exceedingly like her, named "Public Plunder." To the charms of these terrestrial maidens, the democrat, of whatever degree, displays a prodigious susceptibility, becoming always desperately enamored at the first glimpse gotten; and then the passion, once conceived, is eternal and insatiable: their fidelity to it is so amazing and absorbing, that they have none left for anything else. In a word, a single taste of that fruit acts upon them precisely as Homer fables of that African fruitage, the Lotos—

"—which, whoso tastes,
Insatiate riots in the sweet repasts;
Nor other thoughts his soul thenceforth
attends,
Forgetting country, kindred, home and
friends."

Besides these damsels, there are others of whom Locofocos often become the avowed worshipers. We have, for instance, seen whole troops of them crowding to do homage to a stray specimen of foreign aristocracy. Abroad, their eagerness for lordships and ladyships, for court dresses, levees and kissing hands, is a matter of amusing notoriety; of late, one of them has received the honors of a coveted foreign mission, who is remarkable for having, during a former ambassadorial residence, written a whole octavo about little but Duke this, Marquess that, and Right Honorable in general. Others are seen to pine for a consulate, an attorneyship, or the like, and consume themselves in sighs for some ill-requited official affection. We know several who have been forlorn lovers of a Presidency for years, and spent all their wits and estates, and worn out all sorts of fine clothes, in making the agreeable to that fair but somewhat capricious mistress. In short, as the radiance of earthly eyes drew down the angels of old and made them forget the skies, so the glance of an office is sure to attract a democrat from on high and chase from his bosom all memory of the heaven of his principles and doctrines.

Once more, Milton (the next authority to Thomas Aquinas, as to these things,) sayeth that "Angels have no determinate shape of their own, but take with ease whatever guise or semblance they choose."

Herein, it will at once be seen, the angelic and democratic natures concur again. Like the angel, the democrat assumes what form, like the chameleon what color he lists. Yesterday a fierce Federalist, to-day he is a furious Republican, and denounces, above all things, the Black Cockade. Within a week he shall be a Protectionist and a Free Trade man, merely by a letter of due equivocation addressed to Mr. Kane; of which letter, one who is presently to be a Secretary of State shall forthwith affirm everywhere that he has always known that "them are his friend's sentiments." So is it, that a democrat is, without the smallest effort, a Force Bill man and a Nullifier, a "Bloody Bill" man and an Anti-Tariffite, a Non-Assumptionist of State debts

and an assumer of those of a foreign State, a Non-Distributionist, with the forty millions of surplus revenue of 1836 in the pockets of his State; with many more such transformations, in comparison with which those in Ovid are nothing.

"The bodies of Angels, (quoth Thomas) are, when assumed, of thick air." With what that air is thickened, the Angelic Doctor informs us not. We could understand him if he spoke of a soup, not a spirit. Air, we know, can be compressed, made dense, by a pump; but to think of pumping an angel or a democrat! As to thickness, if angels have it in the body, democrats have it in the head. Be all this as it may, Thomas concludeth that there is no solidity in angels: they are, of course, like Loco-foco statesmen and financiers, extremely superficial. "All their seeming natural properties are," he avers, "pure illusion;" in a word, they have for their most tangible quality the main democratic one of Humbug.

"Angels," he further declares, "occupy men's bodies along with their souls, and in this manner govern every corporeal creature." Now, this may very well be, as to many a democratic tenement of clay, in which, through the smallness of the proprietary soul, quite a large angel might be lodged, without any sort of inconvenience to the landlord. In general, the angelic lodger would be so little troubled by his co-inhabitant, that his privacy even would hardly ever be disturbed. We can, however, fancy other cases where the domestic repose would be wofully deranged: the angel, for instance, that hired the least of the many cuddies, and corners, and closets, (all unfurnished,) in the soul-case of a Hero that we wot of, would certainly find the place a little less quiet than paradise.

He is of opinion that "immaterial essences, such as an angel or a soul, occupy space and are extended." They are stretched, that is to say—especially such as happen to be hanged.

The next angelic truth is one of which we have now daily demonstrations that convince, though they by no means satisfy, whole hosts of democrats: "Two angels cannot be in the same space or place." So has the fact been shown of late to be as to democrats: two or more of them, for example, cannot be in the Secretaryship of State, the Treasury, or at the head of the same department; several of them may have been promised

an appointment, but only one can get it at a time. Hence there are many democratic murmurings and a wrath not entirely angelic. Others, again, had hoped, according to the law we have explained farther back, to be the President's angel—to be infused into his body, and govern him. But here again they were disappointed—certain squatters having already got possession there, and there being no such thing as evicting them, without repealing the Preemption and Occupant Claimant laws.

Another learned inquirer into the angelic nature, looking on all those three hundred and fifty-eight points as settled into which St. Thomas A. had inquired, suggests some few additional ones, as worthy of solution; for instance—

"Whether, or not, angels have any innate ideas?" *Denied*: because what is itself not born can have nothing innate.

"Whether, then, Gen. Jackson's ideas of finance were innate?" *Affirmed*: it being clear that they were derived neither from perception, reflection, nor consciousness.

"Were his ideas of Martial Law innate and inherent, or derivative?" *Answer*: the first, perhaps; for he is not suspected of having studied any things but two, interest and revenge. As to the second, they could not have been inherent; for they stuck at nothing. As to the third, *negatur*, until some one shall show whence he derived his ideas of grammar and spelling. Moreover, he was so little addicted to derivation, that he could hardly guess his own.

"Since he is confessed to be the 'Rock of Ages,' to which of the formations does he belong, geologically speaking?" *Valde dubitatur*: for while to the best men who ever trusted him he proved himself of trapp, to the worst he was always plum-pudding stone.

"As he was saluted, in party apotheosis, by the title of 'Greatest and Best,' *quere*, whether Pope's 'Universal Prayer,' (which is dedicated *Deo optimo maximo*,) and certain old temples with the same inscription, were not really to him?" *Nodus valde difficilis et non solvendus nisi Ritchius intersit deus qui ei tribuit titulum*, "FLAGELLAM ET PESTEM PATRIE."

"Whether the Fall of Man was not really due to the taste which weak minds like Eve's have for Abstractions?" *Affirmatur*: because really, all things considered, Eve was pretty well off in para-

dise, as we are here ; but she and Gen. Jackson and the democracy wouldn't let *well* alone. There is sense in the French proverb which says, " *Le mieux est toujours l'ennemi du bien* ;" and again, in the Italian epitaph which records this fact : " *I was well : I took physic ; and I am here.*"

" Angels being immaterial, and space therefore nothing to them, *whether or not* they can pass from one remote point to another—say from the Proclamation and Force Bill to Nullification, or from the support of Mr. Van Buren's Texas letter to Annexation—without traversing any intermediate space ?" *Responditur* : whether possible to angels or not, it is perfectly feasible to the strict constructionists.

" Whether the ideas of angels are clearer in the morning ?" *Non constat* of either them or the democrats, until we know what, and how much, they have eaten or drunk the night before.

" Whether every angel hears what one angel says to another ?" *Nequaquam*, if they do not say much kinder things than the democracy of each other.

" Whether, in instituting the days of the week, the Second Commandment had any view to the famous ' Seven Principles ' of an Editor who has one for every day in the week ?" *Immo*.

" Whether, at the resurrection, the saints will rise with their bowels ?" Not if, like the Democrats, they never had any.

N O R E S T .

O, SOUL ! dream not of Rest on earth—
On ! forth on ! it is thy doom ;
Too stern for Pain, too high for Mirth,
On ! thou must through light and gloom.

Would'st thou rest, when thou hast strength
Mated with the Seraphim ?—
Time outlasting, all whose length
Fades within thine ages dim ?

O ! Strong Traveller, canst thou tire,
When, but touching at the grave,
Thy worn feet re-shod aspire
Winged to cleave as *Uriel clave ?

Rest ! ah, rest then ! Be alone !
God the Worker—thou the Drone !

Soon yon Atom swiftly driving
Past thee in the upward race—
Braver for the Perfect striving—
Shall assume the higher place.

God the Worker knows no rest—
Pause, and be of him unblest.

Lo ! how by thee all is flying,
Even matter outspeeds thee ;
Stronger thou, yet thou seem'st dying—
Fading down Immensity.

Rouse ! the quickened life to know !—
God works subtly, work thou so !

* Thither came Uriel, gliding through the even.—*PARADISE LOST.*
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Thou art subtler than the Wind,
 Than the Waters, than the Light,
 Than old Chaos, whom they bind,
 Beautiful, on axle bright:—
 Yet thou sleepest while they speed;—
 God of Sleepers has no need!

Waiteth Cloud, or Stream, or Flower,
 Robing Meadows and the Woods?
 Waiteth the Swallow past its hour,
 Chasing Spring beyond the Floods?

Yet thou waitest—weak, untrue,—
 God rebuketh sloth in you.

Sing the stars wearily,
 Old though and gray?
 Spin they not cheerily
 Cycles to-day?
 Look they like failing,
 Pause they for wailing,
 Since *none* can stay?
 Systems are failing—
 Autumnns have they—
 Stars yet are calling
 Life from Decay;
 Dead Worlds but gild them,
 Dusted in light—
 Dead Times have filled them
 Fuller of might:
 Brightening, still brightening,
 Round, round they go—
 Eternity brightening
 The Way and the Woe.

DE NOTO.

ART AND ARTISTS IN AMERICA.*

WHEN the volumes before us were announced as about to be issued from the press, we designed to make them the occasion and text of some extended remarks on the condition and prospects of Ideal Art in this country. It is a subject on which much might be said, we think, full of interest and instruction, and which ought to be brought home unremittingly, earnestly, eloquently, to the general mind of the nation. There is more dependent upon this, for us as a people, than has at all reached the appreciation of many. If we are ever to lead—not a few, but large

classes among us—any higher life than may serve to furnish the plate to feast our bodies at the banquet, and the silver to embellish our coffins, it is quite time for us to begin. This we can do only by learning to forget sometimes this material, physical existence we have been living so long—the feverish and weary pursuit of mere wealth and position. We must recognize and feel more constantly the presence of the spiritual, the ideal—resting and re-making our minds in an atmosphere of the beautiful. We may become what is called a prosperous na-

* The Artist, the Merchant and the Statesman—of the age of the Medici and of our own times. In two volumes. By C. Edwards Lester, U. S. Consul at Genoa. New York: Paine & Burgess, 1845.

tion without this, but certainly not in any high sense either refined or happy. To think that riches are beautiful! that national affluence and power, in whatsoever form and degree, are the highest good! We might as well prefer the pomp of shroud and pall, chased coffin-plates, torches, and glittering tomb, to that delightful sense of life that knows it has a whole creation to itself.

We have never seen this subject fully set forth, in regard to this country—set forth in a manner to impress the mass of intelligent minds with the great use and necessity of appreciation, encouragement and labor in the Fine Arts. It should be shown, how great a field actually exists among us for original effort in all their departments. It should be shown, that no nation in the world ever possessed a greater amount of inventive talent; and that—as the creative faculty, that high faculty which makes the great poet and painter, is nearly allied to a subtle and ready invention (in the general acceptance of the word)—it may be found in time, as we believe, that no nation has possessed more creative power in the world of pure ideality. It should be made clear to every one who will read at all upon the subject, that in no way can he more increase the value of life to himself, or add more to the refinement and glory of the nation, than by cultivating a noble taste for the Arts, and nobly encouraging the Artist. It could be made evident, finally, from what has been done and what is doing, that a very great change is already taking place in this respect, and that the Americans in a few years will be found achieving works in painting, sculpture, music and architecture, that would do no dishonor to the most brilliant age of any other country. Something of all this we had designed to attempt at length. Want of space and time alone prevents us—and that, we hope, only for the present;—for the volumes before us are rich in materials for various and interesting remark. But we shall confine ourselves in this brief article entirely to the book, waiting for another opportunity to present what we wish to say ourselves.

In regard to the artistic merit of the work, we need speak but briefly. The author is most evidently in earnest throughout the whole, and cares more for what he is saying, than under what form it is said. Yet any observable defects in the general execution are few,

compared with the favorable and strong impressions left by the work as a whole upon the reader's mind. The writer so manifestly feels what he is saying, that we do not dwell upon them. The most striking defect is—if we are to look at it as one book—that the topics are so jumbled together. The first volume consists of the autobiography of Powers—in the shape of “conversations” with the sculptor—and a long essay on the Consular System—subjects entirely disconnected. The author has, however, something of an excuse for this in the very natural request of the Sculptor, that what related to him should not appear in a volume by itself. The second volume is made up of Letters rambling back and forth among a hundred different topics, without any attempt at succession, or plan of any kind. But they all relate in some way to “the Artist,” “the Merchant,” or “the Statesman,” so as to come under the title of the book. The writer's style is unequal. Where he is in earnest argument or simple narrative, it is usually direct and forcible, sometimes eloquent, nearly always effective. His familiar passages are less happy—sometimes a failure. But the volumes are full of interest: whoever begins them will read them to the end—which is more than can be said of nineteen-twentieths of the publications of the present day.

Of the Conversations with Powers, the greatest of American Sculptors, we shall say less, having spoken at length about him in a preceding number. “The Consular System,” also—well and truthfully written throughout, containing much entirely new information, and proposing a most needful reform in the whole system, must be dismissed for the present. We shall take occasion to recur to that important subject hereafter. We shall make our extracts, therefore, chiefly from the second volume—and such as to illustrate our views on the subject of Art in this country. Speaking for themselves, they will require little comment.

In the first number of this Review, a distinguished writer—in an article entitled “Influence of the Trading Spirit on the Social and Moral Life of America,”—set forth with great point and force the laboriousness of Americans in general—their entire absorption in business, to the exclusion of nearly all amusement and recreation, whether physical, social, or intellectual—the excessive anxiety written on their countenances, and the rapid

wasting away of life in the heated whirl of the pursuit of gain. Mr. Lester, in several pages, dwells strongly and justly upon the point—which, indeed, is too evident to escape the notice of any observing person.

" Too generally is it true, that the American never abandons his business till his business abandons him ; and so far has this spirit overcome the better sense of our citizens, it is even considered dangerous for a man to retire from active life—everybody says he will die ! And I believe there is some truth in it too : but how sad a commentary does it offer upon our system of life—a system which turns man so entirely into a machine, that reflection kills him ! And the poor victim of toil is obliged to toil on, and work himself into the grave, to keep out of it, through that very period of life nature has consecrated to the hallowed pleasures of retirement and reflection."

He adds, soon after, a fine passage about a young American, who ran away from his country to save himself from being consumed in its feverish life.

" He had begun life as all Americans begin to live—like a candle in the night-wind, which does not burn brightly and steadily away, but consumes itself in its own wild flames. He was all enthusiasm, all feeling. Drawn into the rapid current, he knew not where it was bearing him, till it was almost too late to save himself. At last he woke ; he abandoned his pursuits, and tried to break up his old associations by traveling through the length and breadth of the country. But everywhere he found himself surrounded by the wild workings of that heated, crazed life, that burns from the St. Lawrence to the forests of Arkansas. He had now come to Italy, to find repose. ' I did not,' said he, ' come abroad for a change of climate—one climate is as good as another for a man whose disease is in his soul—his mind—his passions. But I came abroad to get away from that dreadful steam-life we all lead there. This was what had killed me, and I believed its opposite would bring me to life. I had not been two days in Genoa before I found all I had believed was true, and began to realize what I had hoped for. I am recovering from that death-like exhaustion that followed the excitement of years, when my fever had not had a quiet day to cool off. And now that iron girdle that has so long bound my brain is giving way, and my blood, once more begins to glide smoothly along its channels, as it did before I knew what care was. Nor can any one in this world tell either how sad or how happy I am. I am ready to smile or to weep every time I look out of my window, or think of my past life. I feel like a sailor who has escaped from a shipwreck, when he begins to recover from his fatigues and his dangers, and looks off on the wild ocean, whose ragings cannot reach him. I dare not read even an American newspaper—I hardly dare talk to one of my countrymen, for fear I may once more begin to think, and dream, and live in that fire-world. When I think of

America, it seems to me like some vast battle-field in the dim distance, where I can faintly distinguish the shock of ten thousand squadrons, and see the dust and smoke rolling up heavily into the lurid sky ; and I never wish to mingle in it again. When I entered the ship to sail for Europe, I was twenty-five years old. I had no disease the physicians could name, and yet I was broken down, worn out. I felt as though I had lived a century. I could hardly walk up the ship's ladder, and my friends said I was going to Europe to die, and every one I passed seemed sad when they looked at me ; and yet I was born with an iron constitution, and I had never been ill enough a single day to keep my room. I was not five-and-twenty, and yet I was worn out, and supposed I must die.

" All I wanted was rest, quiet, peace—words we know not the meaning of in America ! We have a noble government, a noble country, a noble people ; all, all is good but this dreadful waste of life—this soul-tiring damps it all. I was thinking about it this morning as I took an early walk through the Doria Gardens, that look out on the sea. The sun's early light was flaming on the sharp peaks of the distant Appenines, and the city was beginning to wake from its sleep ; but so slowly, so calmly, that when the sun had been up an hour, I could hear only the subdued hum of active but not excited thousands. I remembered that terrific roar that woke me every morning in our American cities, and the difference was that of the April shower and the August thunder-storm. That is the life that wears us out at home : it drives the young man through college and into a profession at the age of twenty-one ; and five years at the bar, in the pulpit, or in the counting-house, and he is broken down. This is the life that fades out our wives, and gives them at thirty a languid, pallid, careworn look a European woman seldom gets, and never till late in life ; this is the life that makes and breaks a thousand banks in half a generation ; that makes millions rich and poor again the same year ; that brings on commercial panics and convulsions ; this is the life that makes our soirees bisterous and noisy as our political meetings ; that exiles quiet from our social and domestic life, and infects every scene of home, and family, and friends, and society, with the *business, the dollar spirit*. How few of our countrymen know how much they lose—how few know how much life might be made worth !

" The economy of life [in Europe] is far better understood than with us. Her scholars study more intensely, and accomplish far more, and live far longer, than our own. Her professional men run a longer and a brighter career. Her commercial men amass greater fortunes, and lead a life of less toil. Her women live in society, and seem never to grow old, for they are always young with cheerfulness. Why is all this ?

" If the enigma were to be solved by a single word, I should say—*Amusement*. Every European, even the slave classes (I do not speak of England), has his hours or moments of diversion, of relaxation, of *dolce far niente* ; all of which is as necessary to perfect health of body and mind as sleep, or food, or rest.

The merchant goes to his counting-house at two; reposes himself in his private cabinet or library; dines at four; rides out into the country with his family, and devotes the evening to society or amusement. The scholar, the professor, the artist, the clergyman, all abandon their occupations after a certain hour of the day; and till the next morning, all thought, all talk, all solicitude about their affairs is banished. For the rest of the day they are men of leisure and of society. A walk, a *soiree*, an opera, a card-party, a concert, anything that makes life bright and the heart glad.

"Such is the life the experience of two thousand years has taught the Old World; and although, in making its way into our social system in America, it must battle against the giant spirit of gain on one side, and the narrow spirit of religious bigotry on the other, yet it is appearing among us. It is already strongly developed in the change of hours of business, and the arrangements of commerce—in the increased numbers who pass their summers at watering-places and in tours of pleasure—in a relaxation of that narrow selfishness which branded a love for intellectual and social amusement as impiety and sin—in a wide and general diffusion of a love and patronage of the fine arts—in a taste for horticulture, landscape-gardening, and the life of the villa, with its repose, and elegant and noble amusements—in the vast increase of the numbers of our countrymen who are coming to Europe and going back Americans—in the cultivation of a home feeling and a national spirit—in our literature, our celebrations, and our jubilees—in a single word, in the development of that love for society, for those liberal and elegant pursuits and pleasures which constitutes the great and only charm of the social life of Europe."

And what have we gained as a people, we ask again, when, having become what the world calls prosperous, wealthy, we find at the premature close of life, that we have missed the better half of all that life was made for? There is another passage speaking to this point.

"Nothing is more natural than that we should not know everything in these United States"—such were the words of the gifted Allston. Science cannot teach man all he should know. He may be learned and great, and yet not be happy. He may be rich, and never be able to reckon among his possessions what those who have, feel is worth more than gold. It is not enough for man to embark on the rapid whirl of excited life that bears the American on—to be free, to be educated, to be surrounded by luxury, and have all our pleasure done at our bidding. There is something worth more than fine equipages, and *routs*, and wealth, and—even *liberty*. There is an inner life, the life of the soul, for which all else was made; and all else is only to the soul what the winds, and the waves, and the ship are to the voyager when his voyage is done. His wants are few and simple, and he only hopes to reach his port in safety. There is a moral life worth more than the life of the body, and for which the body was given. It lives in

thought and in feeling, in all those high and generous emotions which sometimes thrill the bosom of every man. They soften the heart when we contemplate the generous and the beautiful—they elevate the soul when we gaze on the great and the lofty—they start the tear when the soul is full."

Whatever, then, will serve to take us out of this low atmosphere in which we have been living, into one more ethereal and spiritual, is to be assiduously cultivated. And what will best accomplish this? Surely, next to virtue, a refined taste for the Fine Arts—for all ideal creations, whether in Poetry or Music, Sculpture, Painting, or Architecture. Knowledge, Science, alone will not do it. We almost agree with the strong language of the writer, "Where there are not the fruits of these, Science is only a curse—for without its *morale* it only withers up the soul. I would rather be the Swiss peasant, with no wish or hope to wander beyond my native valley, and have my free heart, and warm bosom, and gay and sweet communings with the playing brook, and the wild flower, and the valley-bird, and the mountain sunset, and never know till I die that the earth goes round the sun, than to crowd my heart with science!"

But if the Arts are of so vast importance to a people, how shall they be reared and cherished among them, and obtain over them a daily and living influence? Undoubtedly a love for ideal creations must be mainly a growth from the people themselves. If, when they have had teachers among them with "the vision and the faculty divine," they will not yield themselves, at some time, to the influence of the true and beautiful, it is useless to expect it for them. The government of a nation, however, can do much towards such an end, where the capacity and power of perception are existent among them. We know that it is undemocratic in this country to intimate that government has anything to do with such matters—having for its chief business, to see that men are equal. We do not agree with Democracy in this respect. And we are somewhat encouraged in our heresy, by observing that all the nations that have ever known what honor was—whether Monarchies or Republics—have pursued a very different course. There are many ways in which a government can assist the growth of the Arts among its citizens—by adorning its public grounds and buildings with statues and paintings—by multiply-

ing noble structures—by raising monuments and tombs to its illustrious dead—especially by commissioning native talent instead of a *foreign* artist. And what has been our enlightened policy? One extract, out of many, will judge between us and other nations :

" The two most distinguished painters we have ever had, have been offered commissions only when they were too old to execute them: I need not say that I allude to Allston and Vanderlyn. As early as 1811, Allston's 'Dead Man raised by Elisha's Bones,' gained from the British Institution, where he entered into competition with the best painters in Europe, a prize of two hundred guineas. 'Jacob's Dream' went into the gallery of the Earl of Egremont; 'Elijah in the Desert,' adorned the library of Mr. Labouchere of the British Parliament; 'Uriel in the Sun' was purchased by the Marquis of Stafford; and I know not how many other beautiful creations of his pencil became the gems of foreign *amateurs*. While he was in the full vigor of youth and the glow of creative genius, Congress seemed to be as unconscious of his merit as of a man yet unborn. But they discovered their mistake, as is so often the case with public bodies, when too late to correct it. He was offered a valuable commission by the government when too late to accept it; and he declined it, I am told, in an eloquent and affecting letter to the Secretary of State!—a document which will one day be pointed to by the historian as a sarcasm too bitter for any country but our own—a country which produces many great artists, but starves them all out of it; a practice more cruel than that of the vulture, for she only *devours* her young.

" Vanderlyn was offered a commission at last, and he is now engaged upon it at Paris. I have heard it spoken of in the highest terms, and I have been also told of the bitter regrets of that great man that it had not been offered to him 'before his sight grew dim, and his hand began to tremble.' The picture will, I doubt not, still show the pencil that painted the 'Ariadne,' and 'Marius amid the ruins of Carthage.' Such a spectacle is more melancholy than was the sight of Walter Scott's mind in ruins. We are told that during the visit he made to Italy in the decline of life, with the hope of recovering from the shock that broke down his constitution, he was invited to preside over a meeting of savans. The spectacle of the Great Wizard of the North staggering under the dark eclipse that fell on him from the grave was too sad; the savans wept, and his friends led him from the room. But a sadder spectacle by far is presented in the fate of a great genius who has been neglected by his country till his keen eye grows dim; but who, although he had thrown his cunning pencil aside to paint no more, takes it up at the tardy call of a repentant country, and tries to rally his strength for a last effort, which will perpetuate his name with the marble pillars of the capitol; like the old battle-horse of the Black Prince, who heard the trumpet call, and broke out of his cell—*to die*. We hardly know whether to rejoice over this

late justice of our government to Vanderlyn, or to regret it. If the work be even superbly done, it certainly cannot be the work he would have made twenty years ago; and it will cost too much pain and effort to the brave and beautiful spirit that creates it. If it be ill-done, it will do injustice to the genius of Vanderlyn, and be too bitter and lasting a dishonor to his country.

" When the great Thorwaldsen went home to Copenhagen to die, after his myriad creations of grandeur and beauty, he was received with the thunder of cannon along the coast, and processions and *gala festas* bespoke the general enthusiasm. He was greeted back to his country with the honors decreed to a Roman victor, and became the companion of his sovereign. When he died, the king conducted his funeral. He followed him to the grave uncovered, as chief mourner, attended by all his court; and with his own hands he helped lay the great sculptor in his tomb. There were public demonstrations of grief, and the court and the city went into mourning.

" As great a genius was Washington Allston; and his works, though not as numerous, display as high an order of talent. He was gifted with a poetical genius, Coleridge once remarked to Campbell, so the latter told me, unsurpassed by any man of his age!

" Allston was appreciated by the few; but any one who should have suggested that his death was a national calamity that called for demonstrations of sorrow, like those exhibited by the Danes, of that ice-bound coast, to their Thorwaldsen, would have most likely been met with a reply not unlike the following: 'Why, a body would suppose the President of the United States was dead!' Ages will roll by, and the wild flower, and it may be the wild briar, grow over the grave of the great Poet-Painter, and a long succession of Presidents will come, and men enough will be found without hunting for them to fill that post; but ages may yet go by before the successor of Allston appears!

" But our children will one day build the sepulchres of our prophets, though their fathers killed them."

How many liberal commissions might be given to native artists of genius, if only each State would commission some painting to adorn the buildings of her capitol, or an appropriate bust or monument for some one of her distinguished sons. How many the government might employ, and for how long a time, if she were willing to remember the great men who have served in her councils, commanded on her battle-fields, or fallen for her flag on the ocean, and would permit their fellow-countrymen—artists, of genius as great as theirs—to commemorate their resting-places. But the expense! Government cannot go to such expense! Beloved patriot, and scrupulous devotee of economy! your frugal government could expend \$30,000,000 in a profitless and needless war with Florida Indians; but

to bestow a public memorial at a cost of some \$20,000 or \$50,000 on a statesman or soldier of the Revolution, is an unwarranted prodigality! "André, the Spy," says the author of these volumes, "was brought across the Atlantic by a solemn act of Parliament, and entombed by the side of heroes, and over him breathes the marble of a great sculptor.

"And where does Hale, the American spy—a loftier and a nobler character—sleep? Nobody appears to know except a few fair, brave women of Connecticut, who are building his monument with their needles; and I need not say that every stitch is to our Government a stitch of shame!!

"Courage, my countrymen! Bare your breasts to the foe! for if you fall, your grateful Government will spend days of dispute in Congress upon the propriety of granting your widows and children an humble pittance that will hardly insure them bread, and even take this away by Act of Congress if your widow marries. No stone will ever be raised over your bones except by the ploughshare; history may indeed record your merits long after you are dead, but even these may become a matter of dispute if you happen to live, and the victory be discovered to have been won by another man."

"I think the ruined brick monument of Lawrence in the New York Trinity churchyard will justify me in all I have said. If there ever was a man who died gloriously under the American flag, he was the man; and I am certain that in

any other country in the world his government would have heaped all honor upon his tomb. The thought of that ruined monument added bitterness to his child's last hours when she died in Florence a year ago!

"It is said Republics are ungrateful. Ours may be, but others have not been. A Greek or Roman soldier never drew on the helmet to rush upon the foes of his country without thinking of the glory in which his country would embalm his name. If the Roman soldier fell in battle, the Republic took care to see his family did not want—if he came back from his wars victorious, he retired in his old age to a little farm the Republic gave him as a reward for his patriotism, and passed his last days in peace. None of the citizens of those ancient Republics ever rendered any signal service to their country without receiving some proof of its gratitude. It was so with the glorious Republics of the middle ages. Many of those stupendous palaces which now adorn Venice, Genoa, Bologna, Florence, Pisa and Rome, were built by those Republics for their illustrious citizens."

But we have quoted and commented as much as our limits will allow.

We believe a better state of things is arising in the country. There is genius, there is appreciation; we may reasonably hope that, in the course of one century, even a majority of Congress may succeed in persuading themselves, that it is not a waste of the People's money to expend it on a monument for one who died for the People.

CRITICAL NOTICES.

THE MISSIONARY MEMORIAL: *A Literary and Religious Souvenir.* New York: E. Walker, 114 Fulton street.

The annuals that have usually been published, have had no definite object in view, other than a display of taste in embellished literature. The one before us—the first of its name—has, in addition to this, a particular aim, and that a very noble one—making known by various sketches the nature and history of that noblest of all human enter-

prises, the extension of the sublime, and simple, and most efficient Christian faith, by single-hearted and devoted men, into all parts of the world, however remote and savage. It is evident, that this field cannot fail to afford many incidents of singular interest—adventures and trials of these earnest men in deserts and wildernesses, among the uncultured portions of mankind—and greatly elevated in the character of this interest by connection with so exalted a cause. There

are, besides, many abstract themes to be dwelt upon—entirely peculiar and impressive. We are very glad this kind of souvenir has been projected, and hope it will find such encouragement as to insure an annual appearance.

The present volume is in every respect creditable. The paper and typography are fine, even in this age of superfine printing; and the two embellishments in the front are worth the dozens intended to ornament many of the annuals inflicted upon us. The principal one—printed, by a new art, in oil colors—is a very effective thing, representing the burning of a ship, by lightning, off Ceylon. The contributors are from among the distinguished writers of the country, though they have not, in all cases, done justice to themselves. Of the pieces, particularly on missionary themes, the opening pages, by Rev. J. W. Alexander; "The Reciprocal Influence of Missions," by Rev. Erskine Mason; "Moghegan Missions," by Miss F. M. Caulkins; "The Turk and His Dominions," by Rev. S. W. Fisher, A. M.; "Martyrdom of Missionaries," by W. B. Sprague, D. D.; "Departure of the Rev. John Williams," by the author of "Pen and Ink Sketches;" and "Woman, the Gospel Messenger," by Mrs. E. R. Steel, are the most interesting. The last-mentioned is written with much grace—a light, but valuable memorial of feminine enthusiasm and effort in the past ages, for the faith of the Cross. Besides these, there are two fine sketches—"Burmah" and "The Burning of the Tanjore;" and a small lucubration "On the Winds," by Harry Franco, is written with something of the happy union of unique expression and pure English characteristic of that writer. The poetry, as might be expected—judging from all similar books that have been issued—is inferior to the prose. Rev. Ralph Hoyt, however, has a piece in his peculiar simple and mellow vein, entitled "Pity," but hardly improved, we think, by the determined repetition of the last word. "The Memorial," by Whittier, is in his style, clear, vigorous and rapid. He is certainly one of our finest versifiers; such melodious passages as the one below are frequent in his writings:

"In many an isle whose coral feet
The surges of that ocean beat,
In thy palm-shadows, Oahu,
And Honolulu's silver bay,
Amidst Owhyhee's hills of blue,
And taro-plains of Tooboomal,
Are gentle hearts, which long shall be
Sad as our own at thought of thee."

"The Sisters' Grave," by the author of "Pen and Ink Sketches," is very well—one or two verses, very fine; Mr. Tuckerman has a sonnet—as usual; Mrs. Sigourney and Miss Gould two or three pieces each; W. W. Lord some verses—"The Ship"—decidedly appropriate—and original enough; several jumping anapæstics, by Mr. Griswold, sufficiently readable—once; Mr. Poe—"The Lake"—that cannot add to his reputation; and Mr. Simms about twenty pages of verse, on a theme never before touched(?)—Pocahontas—on a whole, not so much poetry, as poetical, but containing several capital passages. But altogether the best thing in the volume is "The Captive," by J. R. Lowell. It is, in fact, among the best things he has written. We show our belief by quoting it entire—which we certainly would not do with some of his Parnassian efforts:

THE CAPTIVE.

BY J. R. LOWELL.

It was past the hour of trysting,
But she lingered for him still;
Like a child, the eager streamlet
Leaped and laughed adown the hill,
Happy to be free at twilight,
From its toiling at the mill.

Then the great moon, on a sudden,
Ominous, and red as blood,
Startling as a new creation,
O'er the eastern hill-top stood,
Casting deep and deeper shadows
Through the mystery of the wood.

Dread closed huge and vague about her,
And her thoughts turned fearfully
To her heart, if there some shelter
From the silence there might be,
Like dead cedars leaning inland
From the blighting of the sea.

Yet he came not, and the stillness
Dampened round her like a tomb;
She could feel cold eyes of spirits
Looking on her through the gloom;
She could hear the groping footsteps
Of some blind, gigantic Doom.

Suddenly the silence wavered
Like a light mist in the wind,
For a voice broke gently through it,
Felt like sunshine by the blind,
And the dread, like mist in sunlight,
Furled serenely from her mind.

"Once my love, my love forever,
Flesh or spirit, still the same,
If I missed the hour of trysting,
Do not think my faith to blame,—
I, alas, was made a captive,
As from Holy Land I came.

"On a green spot in the desert,
Gleaming like an emerald star,
Where a palm-tree, in lone silence
Yearning for its mate afar,

Droops above a silver runnel,
Slender as a scimetar.

"There thou'l find the humble postern
To the castle of my foe ;
If thy love burn clear and faithful,
Strike the gateway green and low,
Ask to enter, and the warder
Surely will not say thee no.

"Wrap around me, for an instant,
The warm lustre of thine eyes,
Coldly gleams this northern moonlight,
Coldly bend these northern skies,—
Ah, farewell ! I hear the matins
Sung e'en now in Paradise."

Slept again the aspen silence,
But her loneliness was o'er ;
Round her heart a motherly patience
Wrapt its arms for evermore ;
From her soul ebb'd back the sorrow,
Leaving smooth the golden shore.

Donned she now the pilgrim scallop,
Took the pilgrim staff in hand ;
Like a cloud-shade, flitting eastward,
Wandered she o'er sea and land ;
Her soft footsteps in the desert
Fell like cool rain on the sand.

Air-rung bells of convents faintly
Chimed sometimes from out the sky,
Haply from those ghostly cities
Which she saw before her fly,
Frail as are the tall sand-pillars
Of the mad wind's masonry.

Soon beneath the palm-tree's shadow
Knelt she at the postern low ;
And therat she knocketh gently,
Fearing much the warder's no ;
All her heart stood still and listen'd,
As the door swung backward slow.

Saw she there no surly warder,
With an eye like bolt and bar ;
Through her soul a sense of music
Throbb'd,—and, like a Guardian Lar,
On the threshold stood an angel,
Bright and silent as a star.

Fairest seemed he of God's seraphs,
And her spirit, lily-wise,
Blossomed when he turned upon her
The deep welcome of his eyes,
Sending upward to the sunlight
All its dew for sacrifice.

Then she heard a voice come onward,
Singing with a rapture new,
As Eve heard the songs in Eden,
Dropping earthward with the dew ;
Well she knew the happy singer,
Well the happy song she knew.

Forward leaped she o'er the threshold,
Eager as a gleaming surf ;
Fell from the spirit's languor,
Fell from the body's scurf ;
Underneath the palm, some Arabs
Found a corpse upon the turf.

Every one will say this is exceedingly beautiful—but what horrid marring is made in the last stanza, by using the dirty word “*scurf!*” We cannot express our astonishment at Mr. Lowell's carelessness. Or did he do it with a purpose—thinking it a *strong expression* ? But we would suggest that there are several other words he might have used, that are even—dirtier and stronger !

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Narrative of a Mission to Bokhara, in the years 1843—1845, to ascertain the fate of Col. STODDART and CAPTAIN CONOLLY. By the REV. JOSEPH WOLFF, D.D., LL.D. New York: HARPER & BROTHERS.

This is in many respects an extraordinary book. There is an immense mass of information contained in it, respecting eastern countries, especially the Persian Provinces—and in particular relating to the Jews of the Ten Tribes—who, it is now established beyond a doubt, have lingered in all those regions since the Dispersion. It is queerly written—full of anecdote and egotism, and a mingled spirit of craft and piety. Dr. Wolff himself is on the whole the strongest and most interesting character in the book, as he certainly is the principal one. The cause of his mission to so great a distance was a singular one, considering the conduct of other nations in such cases. It appears that two persons, Stoddart and Conolly, *Englishmen*, were in the year 1843 “cruelly slaughtered at Bokhara, after enduring agonies, from confinement in prison, of the most fearful character—masses of their flesh having been gnawed off their bones by vermin.” This was, of course, a horrible circumstance enough to excite the acute sympathies of their countrymen. But what other nation exhibits so jealous and minute a sense of its honor, as a nation, and of the rights and liberties of individual citizens, as to send three or four thousand miles to inquire respecting their fate ? But the English get up an indignation, (and a very just one)—a committee is formed—and, such is their confidence in the power of the English name, a *single person* is hastened off to the “Ameer of Bokhara” to institute inquiries. On more than one critical occasion, Mr. Wolff found that to be able to say, in those half-civilized parts of the world, “I am an Englishman,” was of equal potency to remand him from prison and death with the boast of the subject of the Cæsars, “I am a Roman.” Every book of travels in any part of the world is more or less a comment on the universal prevalence of England. Wolff remarks, “It may be asked, ‘Does the Ameer fear England?’

I say, exceedingly: so much so, that when I arrived there, for three days he was sitting with his head leaning upon his hand, in deep thought; and he observed to the Grand Cari, 'How extraordinary! I have two hundred thousand Persian slaves here: nobody cares for them; and on account of two Englishmen, a person comes from England, and single-handed demands their release.'

Such widely-extended care for the welfare of its subjects is altogether right and honorable to any government or people. The United States are in this respect exceedingly remiss. Every year tidings are crougt of the murder, or violent imprisonment, of American citizens. Sometimes—not always—a little horror is expressed, a paragraph or two go the rounds of the papers—and there is an end of it. Many of our Consulships abroad are miserably managed. We wish that public attention may be turned to this subject, and vigorous measure taken, till an American shall feel security under the shield of his name in any part of the world.

The Elements of Reading and Oratory
By HENRY VAUDEVILLE, Professor of Moral Science and Belles Lettres in Hamilton College. Utica: 1845.

When the young student, under the ordinary methods of instruction, gives his attention to the study of Elocution, he feels almost crushed by the conviction that excessive and unwearied labor is required to reach his standard of excellence. The facts of oratory may be spread out before him, but they seem unconnected and isolated. Even the greatest masters have told the thirsting student that his only course is to watch the expression of the orator, to catch his cadence, and by continued trial to utter like music. One of the fathers of oratory, in magnifying his calling, takes occasion to brand precepts and rules in terms like the following: "I look at the rules of elocution in this wise; not that orators by pursuing them have attained the praise of eloquence, but that certain individuals have observed and marked down what eloquent men uttered *naturally*; so that oratory springs not from art, but art from oratory. Nevertheless I reject not these rules entirely, for although unnecessary for the good speaker, they are useful as a matter of liberal knowledge."* Doubtless nature must fit the orator for some portions of his duty. The dignified form, the speaking eye, the burning imagination, are not within the province of art. But it seems just as certain that a part of the orator's labor is mechanical. In accordance with this view, teachers in our day have endeavored to seize upon and hold up

to view all that can be formed and fostered by mere study and labor. But the results of their efforts have been hitherto comparatively worthless. If any have trusted to them for oratorical aliment, we may be sure, that "the hungry sheep look up, and are *not fed*." Walker, however, seems to have struck out an idea, more truthful and fruitful than any other yet broached. His theory was, that the law of delivery was determined by the structure of the sentence. His account of sentences, however, was meagre and unsatisfactory, and few have attached much value to his plan, while thus imperfectly developed.

The author of the work at the head of our article, has endeavored to finish what was but begun by Mr. Walker. He has correctly entitled his work, the *Elements of Reading and Oratory*; for here at least they must occupy common ground. In the correct and graceful delivery of each clause and sentence, the good reader is, of course, side by side with the orator. If it can be shown that, according to the genius of our language, we must utter our thoughts in enunciations which can be classified and arranged, and that all the seemingly complicated modes of expression can be reduced to a few simple forms, it is obvious that the reader has but to glance his eye at the sentence to determine unerringly its delivery. Such a system would be as useful as the interrogation mark which the Spanish *prefix* to questions, to ascertain their character without looking through them. The author seems to have made such a classification; and this is in our view high praise. There are marks of great ingenuity, careful study and close analysis throughout the work. We think that its publication will create an era in the study of elocution. Besides its advantages to the reader, a well-executed work of this character will be found by the foreigner an invaluable prize in acquiring our language. Under its light, abbreviated and complicated clauses will appear clear and full of meaning. But were the book valuable in no other respect, it would be useful as a mere collection of exercises for reading. We know not where to find a greater variety, or better chosen articles. The tame and trite selections usually crowding books of this character are carefully omitted. We feel confident that men of letters generally will be interested in the development of the author's idea; and to them we cheerfully commend it.

Crabbe's English Synonyms, with copious illustrations and explanations. New York: Harper and Brothers.

Of this work, at least, among the myriads of every kind and degree of merit, that have

* Cic. de Orat. b. 1, sec. 32.

been passed upon the English-reading public, for the last twenty-five years, there can be but one opinion. This opinion, however, is extant but among the few; for notwithstanding its great excellences, we doubt whether one English scholar out of ten knows the book by use, or has paid much attention to it. It ought to lie on every scholar's table, for it is the genuine work of a scholar. It is a delineator of the distinctive meaning of every important word in the English tongue, by its synonyms—that is, by contrast and comparison with other words of a (more or less) parallel meaning. This is effected by the most delicate definitions and distinctions, and with very great purity and elegance of language. In aid of these, the pages are enriched with illustrations from all the standard authors, and is particularly attractive to a lover of quotations. For our own part, we have frequently read many pages at once, with a singular interest; nor do we think any writer can use it, without attaining to a finer and deeper knowledge of his mother tongue—the noble English.

THE FAMILY LIBRARY—No. 173. *The Travels of Marco Polo, greatly amended and enlarged from valuable early manuscripts, with notes, &c. By HUGH MURRAY.* HARPER & BROTHERS.

The publishers have made a valuable addition to the noted series of the Family Library in this little volume. It is full time the fame of the hardy and romantic adventurer, Marco Polo, should be rescued from the somewhat harsh and wholesale imputations of falsehood, under which it has for several centuries lain. This the editor has undertaken to do, and in the laborious investigation of cotemporary MSS., some of which have been long known to us, others of which have been brought to light more recently, he has been able to bring to bear a sufficient amount of collateral testimony to establish the conclusion of his own faithfulness, and the general veracity of Polo's narrative. Marco had grown up from boyhood to man's estate as the companion of his father and uncle in their distant and perilous wanderings through the far Orient. When he returned to his native Venice, and dazzled it by the display of his glittering wealth of jewels, and like the old Heroditus, recited to the gaping crowds the marvels he had seen—told of the gorgeous palaces of the great Khan—of his mighty cities—of his vast empire, requiring years to traverse—of his regal sports—his wars and armies, in comparison of which,

“Such forces meet not now so wide a camp,
When Agrican, with all his northern powers
Besieged Albacula, as romances tell”—
they were first blinded and astounded, then enraged that their own ignorance of these remote lands should hold them so credul-

ously at the mercy of the daring wanderer—and, as ignorance always has and will do, they denounced as wild fiction that concerning which they had no means of ocular demonstration. Not only the wandering merchant of his own class—jealous of his greater wealth and success, encouraged the hue and cry against him—but

“Prowest Knights,
Bothe Paynim and the Peers of Charlemaine,”

contributed to denounce the rash travelers who dared to tell them to their teeth of a power more formidable than even theirs! Altogether, poor Polo was fairly brow-beaten and thrown into disrepute. The manner of his published narrative not a little contributed to heighten this result; for it is a singular hotch-potch, written while he was a prisoner, by an amanuensis, in a careless sort of fashion—now in the first, now in the third person—and withal in a very quaint style. It is very curious to trace, with the aid of his modern commentator and editor, the truth of his curious pictures—through the confused and shadowy outline he has left—by the light of collateral evidence.

Publications of the Month.

We are continually struck, of late, with the increased and increasing value of the books published—especially those designed for popular circulation. The works that now lie on the counters of cheap book-dealers, are, for the most part, several grades higher in character than were seen one year ago. This plainly betokens a healthier and more elevated taste in the mass of readers, and is full of promise; for according to taste in the reader, will inevitably be the character of the writings produced.

APPLETON's publications for the month—some of a popular cast, others intended to occupy the more conspicuous shelves of a library—are all excellent. We have, in continuation of their select series, the best of all the Italian prose fictions,

I PROMISCI SPOSI, By Manzoni.

This book has been judged by all Italian scholars, as well as by those who have read the present beautiful translation, to be one of the finest works of fiction in all languages. It is of course different from English or French novels, to which we are accustomed—for it is, as it ought to be, Italian. All its scenery, its incidents, its pictures of society, its characters, are Italian. This makes it of the greatest value to us. The scenes are laid on the magical shores of Lake Como, and in the eventful and brilliant period of the earlier part of the 17th century. The historical events introduced are of great interest.

No picture could be finer than the famine in Milan.

CARLYLE'S *Life of Schiller*, has also been published by the Appletons, as a volume of their *Literary Miscellany*. Of the excellence of this biography of one of the greatest of modern poets, by one of the most original of modern English critics, it is unnecessary to speak. It is one of Carlyle's earlier works, possessing all the grace, nearly all the strength, with very little of the obliquity, of his later style. It and the "Life of Burns" are his purest specimens of English.

MRS. GRANT'S *Memoirs of an American Lady*, form a third of the Series—a very readable and well-known book, formerly in great repute, and still interesting—perhaps more so than ever—as a picturesque sketching of the old Colonial times in New York State before the Revolution, when the ancient Dutch families settled in by the noble Hudson, and through the rich valley of the Mohawk. It will be read many times yet.

Of WARREN'S *Law Studies*, and the beautiful re-print of Cary's translation of Dante, we shall speak hereafter.

SAXTON & KELT, of Boston, have followed suit successfully in the publication of a popular series of standard works.

"THE LIGHTS AND SHADOWS OF SCOTTISH LIFE," by Professor Wilson, is a book known to every one, and as widely admired as it is known. The tales are of unequal merit; but some of them are among the most beautiful in the language.

"The Forresters," and "The Trials of Margaret Lindsay," Nos. 2 and 3 of their series, have been far less read among us than "The Lights and Shadows," but are in every respect of equal interest, with the advantage of being continuous narratives. "The Trials" is a particularly touching narrative—altogether native to stern old Scotland.

TUPPER'S Poems have also been published in an elegant form, by the same house. They have not appeared before in this country.

THE HARPERS.—We have received in one large volume the famous Sermons of Dr. Blair. There is no fear that the publishers will be accused of having given us too much of a good thing at once in this case, though they have offered five volumes in one. These discourses are certainly among the most elegant written in the English language. We have, from the same source,

"OBSERVATIONS ON THE EAST," by Dr. Durbin, late President of Dickinson College. This is a learned writer, who to our surprise has been fortunate in throwing something of the charm of freshness over his survey of the Holy Land, even though

treading in the footmarks which the poetical De Lamartine and the accurate Robinson have so lately left in the same sacred lands, to say nothing of a host of light-footed travelers of every grade of merit. He has suggested a new route of the exode of Israel from Egypt. Also, from the same, "The Sufferings of Christ," by a Layman—and "Abercrombie's Miscellaneous Essays." Anything from the "inquirer concerning the Intellectual Powers" is readable, and will be read.

WILEY & PUTNAM. We have Nos. 3 and 4 of the Foreign Library, embracing

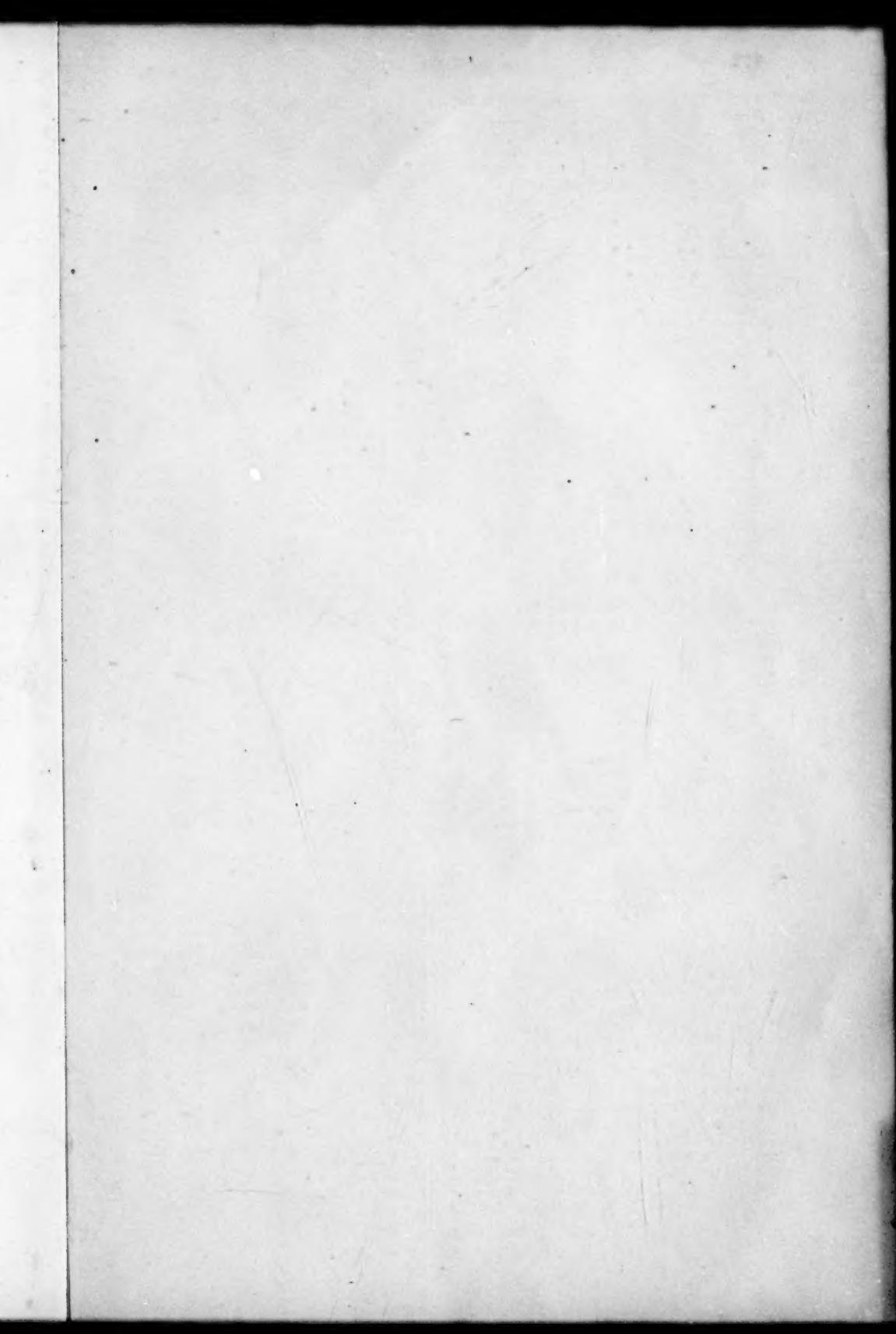
"THE RHINE," by Victor Hugo, the lion horror-monger of the modern French drama. These however are sketchy and pleasant tales, and the reader, fortunately for once, is not necessitated to prepare himself for a fit of the cold-shivers, but right heartily may resign himself to the lead of a piquant and graceful companion. Nos. 34 and 35 of the series of "Books which are Books," are parts 1 and 2 of the Life of the great "Condé," by Lord Mahon. Every one who loves to read of the "rush and glory of war," will find enough of it here. No. 3 of the Library of American Books is Poe's new volume, "The Raven and other Poems," of which we shall take occasion to express our opinion at another time. Mrs. Kirkland's (Mary Clavers') new book—"Western Clearings"—is the last issue of "The American Series." It is a delightful volume, less ambitious than her former volumes—and not indeed equal to them—but full of that minute picturing of incident and character among the settlements, in which she has excelled all other writers. She cannot but be reckoned among the most graceful and skillful of American female writers. We shall speak of her again.

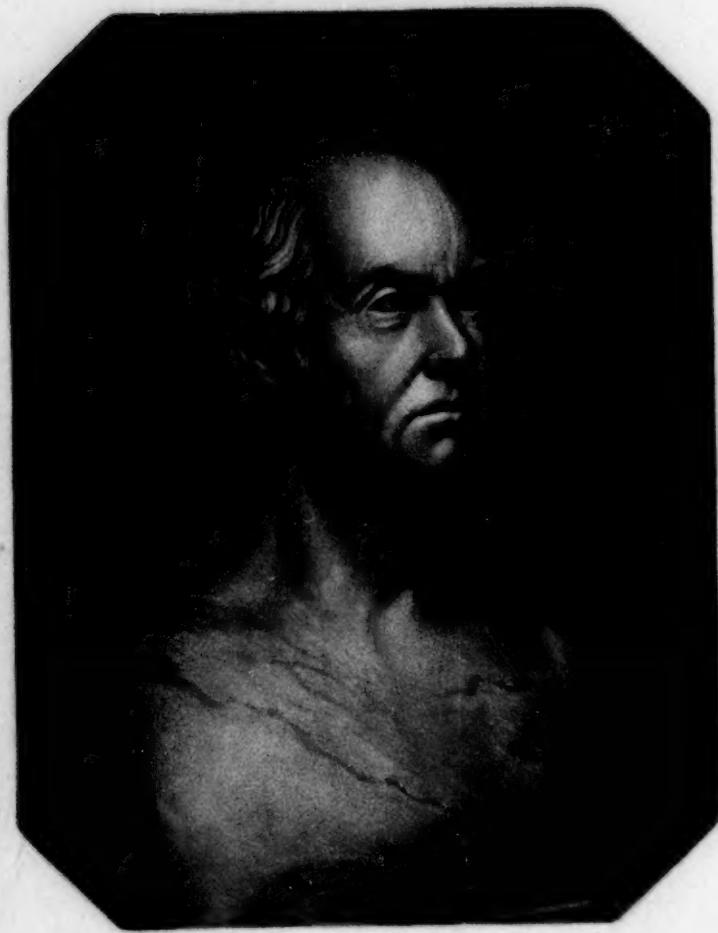
PAINES AND BURGESS,
Have sent us two or three light works.

TRIPPINGS IN AUTHOR-LAND, by Fanny Forrester, is the first public appearance in book-form, of a lady-writer who has already shown herself at home among the Graces (in style,) and by cultivating something more of strength and depth—earnestness enough she has—may place herself among the first authoresses of the country. We are a little anxious to watch what course she takes.

PRAIRIEDOM; or *Rambles and Scrambles*, (we think that is the euphonious and classic title,) in *Texas or New Estramadura*, is worthless. The vagrant may have seen something; but he did not know how to express it, and still less how to form an opinion.

NORMAN'S *Rambles by Land and Water*—of which more when we can find time to read it.





Engraved by T. Doney.

JOSEPH STORY, LL.D.
Late Justice of the U.S. Supreme Court.

From a bust by his Son W.W. Story.

Engraved expressly for the American Review.